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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

- - - - -X  
UNITED STATES OF AMERICA 18-CR-6094(G)  
  
vs.  
CARLOS JAVIER FIGUEROA, Rochester, New York  
Defendant. May 17, 2021  
8:30 a.m.  
- - - - -X

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE FRANK P. GERACI, JR.  
UNITED STATES DISTRICT CHIEF JUDGE

JAMES P. KENNEDY, JR., ESQ.  
United States Attorney  
BY: ROBERT A. MARANGOLA, ESQ.  
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Appearing on behalf of the Defendant

ALSO PRESENT: Nicolas Penchaszadeh, Spanish Interpreter  
Barbara Considine, Spanish Interpreter  
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I N D E X

WITNESS FOR THE GOVERNMENT

Axel Aponte Camacho  
Direct examination by Mr. Marangola Page 1568

P R O C E E D I N G S

\* \* \*

(WHEREUPON, the defendant is present).

**THE COURT:** Good morning.

**MR. MARANGOLA:** Good morning, Your Honor.

**MR. VACCA:** Good morning, Judge.

**THE COURT:** Ready to proceed?

**MR. MARANGOLA:** Yes, Your Honor.

**THE COURT:** Bring the jury out.

(WHEREUPON, the jury is present).

**THE COURT:** Good morning, members of the jury.

Ready to continue. Mr. Camacho, I remind you you remain under oath.

**THE WITNESS:** Yes.

**THE COURT:** You may continue.

**MR. MARANGOLA:** Thank you, Your Honor.

**BY MR. MARANGOLA:**

Q. Mr. Aponte Camacho, I want to pick up in the area that we left off on Friday. You had testified toward the end of the session on Friday regarding codes that you and other members of this operation used in describing drugs or topics related to drug trafficking when you spoke on the phone?

**MR. VACCA:** Objection, Your Honor, to the term this organization.

**THE COURT:** Sustained.

1 **BY MR. MARANGOLA:**

2 Q. Mr. Aponte Camacho, did you describe codes that you and  
3 the defendant Carlos Figueroa and Obed Torres and Leitscha  
4 Poncedeleon and Roberto Figueroa and other individuals used  
08:53:52AM 5 when speaking over the phone to describe drug-related topics?

6 **MR. VACCA:** Objection, Your Honor.

7 **THE COURT:** Overruled. Go ahead.

8 **THE WITNESS:** Yes.

9 **BY MR. MARANGOLA:**

08:54:01AM 10 Q. And when you spoke to those individuals, did you have  
11 certain specific words that you used to describe the term, for  
12 example, grams?

13 **MR. VACCA:** Objection, Your Honor.

14 **THE COURT:** Overruled.

08:54:14AM 15 **THE WITNESS:** Yes.

16 **BY MR. MARANGOLA:**

17 Q. Can you tell us one of the terms or a term that you used  
18 instead of saying the word grams over the telephone?

19 A. We say G.

08:54:27AM 20 Q. And why would you say G instead of saying grams?

21 **MR. VACCA:** Objection, Your Honor.

22 **THE COURT:** Overruled.

23 **THE WITNESS:** Because it sounds very specifically  
24 and if the phones are tapped the police -- the police is gonna  
08:54:45AM 25 know that we're talking about drugs.

1                   **MR. VACCA:** Objection, Your Honor, unresponsive.

2                   **THE COURT:** Overruled.

3 **BY MR. MARANGOLA:**

4 Q.    Mr. Aponte Camacho, when you spoke to Carlos Figueroa and  
08:54:58AM 5 Obed Torres and Roberto Figueroa and Leitscha Poncedeleon and  
6 Tapon and Pistolita and others, did you discuss whether or not  
7 there were police in the area that you were selling drugs?

8                   **MR. VACCA:** Objection, Your Honor, broad question.

9                   **THE COURT:** Overruled. Go ahead.

08:55:19AM 10                  **THE WITNESS:** Can you repeat the question?

11 **BY MR. MARANGOLA:**

12 Q.    Yes. When you spoke to the individuals that I just  
13 mentioned, would you discuss whether or not you had observed  
14 police in the areas that you were selling drugs?

08:55:33AM 15                  **MR. VACCA:** Objection, Your Honor.

16                  **THE COURT:** Overruled.

17                  **THE WITNESS:** Yes.

18 **BY MR. MARANGOLA:**

19 Q.    Why would you discuss whether you saw police in the area  
08:55:40AM 20 that you were selling drugs?

21 A.    Because we have to be careful that they wouldn't catch us  
22 with drugs.

23 Q.    Did you ever use the phrase get bit?

24 A.    No, to get bit -- you say to get bit?

08:56:07AM 25 Q.    Yes.

1 A. No.

2 Q. All right. If we could play from the compilation DVD --  
3 from the pole camera compilation on January 20th at 1:36 p.m.?

4 **MR. VACCA:** What date is that?

08:56:41AM 5 **MR. MARANGOLA:** January 20th. I'm sorry -- yeah,  
6 1:33.

7 **BY MR. MARANGOLA:**

8 Q. Mr. Aponte Camacho, as this is playing can you tell us if  
9 you know what's shown in this video clip?

08:57:05AM 10 A. This is off.

11 Q. Oh, Ms. Rand, would you hook up his monitor, please? Do  
12 you see it now?

13 A. Yes.

14 Q. Do you recognize what's shown in this video clip?

08:57:33AM 15 A. Yes.

16 Q. What is it?

17 A. Burbank Street.

18 Q. Is this one of the areas that you sold drugs when you  
19 worked for Javi?

08:57:43AM 20 A. Yes.

21 Q. Do you recognize any particular houses in this video clip?

22 A. Yes.

23 Q. What houses do you recognize? All right, and you circled  
24 the white house on the far left of the screen; is that

08:58:10AM 25 correct?

1 A. Yes.

2 Q. Whose house do you recognize that to be?

3 A. Javi's house.

4 Q. Did you just see a vehicle pull out of the driveway next  
08:58:20AM 5 to the house you circled and identified as Javi's?

6 A. Yes.

7 Q. Can you circle the vehicle that you saw back up in the  
8 driveway next to the house you identified as Javi's? All  
9 right, and if you can clear your marks?

08:58:45AM 10 Mr. Camacho, you've been in Javi's driveway before?

11 A. Yes.

12 Q. All right. If we can keep playing? Do you recognize the  
13 vehicle that backed out of Javi's driveway and that stopped in  
14 the middle of it?

08:59:07AM 15 A. Yes.

16 Q. What do you recognize the vehicle in Javi's driveway to  
17 be?

18 A. The GMC truck, Javi's GMC truck.

19 Q. Have you seen the defendant operate that vehicle on  
08:59:27AM 20 occasions between December -- I'm sorry, May of 2015 and your  
21 arrest in December of 2016?

22 A. Yes.

23 Q. What do you see in the street in this clip that's paused  
24 right now at 1:06 at 1:34 p.m.?

08:59:49AM 25 A. The cops.

1 Q. Two uniformed patrol cars in the street?

2 MR. VACCA: Objection, leading.

3 THE COURT: No, overruled. Go ahead.

4 THE WITNESS: Yes.

09:00:00AM 5 BY MR. MARANGOLA:

6 Q. And if we can keep playing? Now, the patrol cars have  
7 driven past Javi's house; is that right?

8 A. Yes.

9 Q. Are they visible on the screen anymore?

09:00:25AM 10 A. No.

11 Q. Do you see Javi's truck still parked in his driveway?

12 A. Yes.

13 Q. What do you see now at 1:35 and change?

14 A. That he's going in reverse.

09:01:07AM 15 Q. What did you observe there at 1:35:53?

16 A. That he's getting out in the street.

17 Q. All right. And at 1:35:59 the time, the defendant's silver  
18 GMC pick-up truck is no longer visible in the pole camera  
19 clip; is that right?

09:01:30AM 20 A. Yes.

21 Q. All right.

22 MR. MARANGOLA: At this time I'd like to play --  
23 I'd like to go to and play a portion of what was received into  
24 evidence on Friday, Your Honor, as Exhibit 1-97-333.

09:02:02AM 25 THE COURT: I believe that was received for the data



1 only.

2 **MR. MARANGOLA:** It was received up until the fourth  
3 page when the third speaker who had not been identified yet  
4 when he starts --

09:02:14AM 5 **THE COURT:** Yes, you're right.

6 **MR. MARANGOLA:** I only want to review approximately  
7 a page and change with the call at this time with Mr. Aponte  
8 Camacho.

9 **THE COURT:** Yes, it was received up to page 4,  
09:02:24AM 10 you're right.

11 **MR. VACCA:** Which says look.

12 **MR. MARANGOLA:** May the jury be permitted to flip to  
13 tab 1-97-333? And this is a Spanish call, so they can also  
14 see it on the monitor.

09:02:42AM 15 **THE COURT:** Yes, you may refer to 1-97-333.  
16 However, only up to three-quarters of the way down page 4.  
17 Ignore the rest.

18 Didn't we already hear this?

19 **MR. MARANGOLA:** I'm not going to go over the whole  
09:03:09AM 20 thing, just a portion of it.

21 **BY MR. MARANGOLA:**

22 Q. Mr. Aponte Camacho, the time on this call for the record  
23 is 1:46 on January 20th; is that right?

24 A. Yes.

09:03:37AM 25 Q. All right.

1                   **MR. VACCA:** Objection, Your Honor, we've been over  
2 this before.

3                   **THE COURT:** Well, I think Mr. Marangola said he's  
4 only going to use a bit of it.

09:03:44AM 5                   **MR. MARANGOLA:** Judge, we didn't play the pole  
6 camera clip yesterday with it and I'm going to ask him some  
7 questions that are related to the call in connection with the  
8 pole camera clip.

9                   **THE COURT:** How much are you going to play of this  
09:03:53AM 10 call?

11                   **MR. MARANGOLA:** Just probably the first page, that's  
12 it.

13                   **THE COURT:** Okay, go ahead.

14 **BY MR. MARANGOLA:**

09:04:46AM 15 Q. Mr. Aponte Camacho, you said you've been in the  
16 defendant's driveway on multiple occasions?

17 A. Yes.

18 Q. Did he have anything separating the front portion of his  
19 driveway from the rear portion of his driveway?

09:05:00AM 20                   **MR. VACCA:** Objection, Your Honor, relevancy.

21                   **THE COURT:** Overruled.

22                   **THE WITNESS:** Yes.

23 **BY MR. MARANGOLA:**

24 Q. What did he have?

09:05:10AM 25 A. Like a -- like a fence.

1 Q. All right. Did you ever see him move that fence?

2 A. Open it and close it, yes.

3 Q. Okay. All right, if we can keep playing? All right, if we  
4 can now -- the -- the time on this call was 1:46 p.m. If we  
09:06:26AM 5 could now go to the pole camera compilation DVD at 13:59,  
6 which is at 1:59 p.m.

7 I'd like to offer that.

8 **MR. VACCA:** Objection, Your Honor.

9 **THE COURT:** This is already received, right?

09:06:50AM 10 **MR. MARANGOLA:** This has been received, but not with  
11 this witness. We've played it with the prior witness.

12 **THE COURT:** Go ahead.

13 **BY MR. MARANGOLA:**

14 Q. Mr. Aponte Camacho, did you see the vehicle that pulled  
09:06:58AM 15 into the screen in this shot?

16 A. Yes.

17 Q. Did you recognize the vehicle on the left that pulled into  
18 the screen?

19 A. Yes.

09:07:09AM 20 Q. What did you recognize it to be?

21 A. Javi's truck.

22 Q. Is that the same or different vehicle than we just saw in  
23 the previous clip, the one where the --

24 A. The same.

09:07:25AM 25 **MR. VACCA:** Objection, Your Honor.

1                   **THE COURT:** Overruled.

2                   **MR. VACCA:** First of all, on here you can't see the  
3 full vehicle.

4                   **THE COURT:** Well, overruled.

09:07:35AM 5                   **MR. VACCA:** He's asking him to make a comparison.

6                   **MR. MARANGOLA:** Which he's entitled to do.

7                   **THE COURT:** Overruled. Go ahead. The question is  
8 is it the same or different vehicle than we just saw in the  
9 previous clip?

09:08:02AM 10                   **THE WITNESS:** It's the same for me.

11 **BY MR. MARANGOLA:**

12 Q. All right. If we can play? Can you tell us do you  
13 recognize the individual who just exited that silver Jeep  
14 (sic) and is walking up the driveway in this clip?

09:08:17AM 15 A. Yes.

16 Q. Who do you recognize him to be?

17 A. Javi.

18 Q. If we could play? Mr. Aponte Camacho, do you see the  
19 location in the center of this clip here?

09:08:43AM 20 A. Yes.

21 Q. Have you ever been to that location?

22 A. Not that I remember.

23 Q. And this pole camera clip is from January 20th of 2018.  
24 In January of 2018 where were you?

09:09:02AM 25 A. In prison, in jail.

1 Q. After you had been arrested in this case?

2 A. Yes.

3 Q. Okay. Now, if you can go up to the wiretap binder there,  
4 Government's Exhibit 1 in front of you, I'd like you to look  
09:09:31AM 5 at -- if you can flip open to tab 1-40 -- 1-40-54.

6 Do you recognize -- first of all, are your initials  
7 on that transcript?

8 A. Yes.

9 Q. Did you listen to the call that corresponds to that  
09:10:24AM 10 transcript?

11 A. Yes.

12 Q. And did you recognize the voices in that call?

13 MR. VACCA: Objection, Your Honor.

14 THE COURT: Overruled.

09:10:33AM 15 THE WITNESS: Yes.

16 BY MR. MARANGOLA:

17 Q. Who are the voices -- who are the speakers in that call?

18 MR. VACCA: Objection, Your Honor.

19 THE COURT: Overruled.

09:10:41AM 20 THE WITNESS: Javi and Obed.

21 BY MR. MARANGOLA:

22 Q. Are they accurately identified as the participants in the  
23 transcript for that call?

24 MR. VACCA: Objection.

09:10:48AM 25 THE COURT: Overruled.

1                   **THE WITNESS:** Yes.

2   **BY MR. MARANGOLA:**

3   Q.   All right. If you could flip to tab 1-42-59? Are your  
4   initials also on that transcript?

09:11:10AM 5   A.   Yes.

6   Q.   Did you listen to the call that corresponds to that  
7   transcript?

8   A.   Yes.

9   Q.   And did you recognize the voices in that call?

09:11:20AM 10                   **MR. VACCA:** Objection, Your Honor.

11                   **THE COURT:** Overruled.

12                   **THE WITNESS:** Yes.

13   **BY MR. MARANGOLA:**

14   Q.   And who are the speakers in that call?

09:11:27AM 15   A.   Not all of them.

16   Q.   Whose voice did you recognize?

17   A.   Javi.

18   Q.   All right. Let's -- with respect to --

19                   **MR. MARANGOLA:** -- at this time, Your Honor, I would  
09:11:42AM 20   offer Government's 1-42-59.

21                   **MR. VACCA:** Objection, Your Honor. He indicates he  
22   does not know who one of the individuals was regarding that.

23                   **MR. MARANGOLA:** I'm sorry, I misspoke. I'm not  
24   offering 59. I'm offering 1-40-54.

09:12:05AM 25                   **MR. VACCA:** Again, Your Honor, I would object to

1 that. Improper foundation, relevancy.

2 **THE COURT:** Overruled. 1-40-54 will be received.

3 (WHEREUPON, Government's Exhibit 1-40-54 was  
4 received into evidence).

09:12:22AM 5 **BY MR. MARANGOLA:**

6 Q. Mr. Aponte Camacho, this is a Spanish call; is that  
7 correct?

8 A. Yes.

9 **MR. MARANGOLA:** At this time, Your Honor, I'd ask to  
09:12:35AM 10 play off the Spanish compilation disk called 1-40-54.

11 **THE COURT:** You may proceed.

12 **BY MR. MARANGOLA:**

13 Q. Mr. Aponte Camacho, based on your participation in selling  
14 drugs for Carlos Figueroa and working with Obed Torres, can  
09:13:54AM 15 you tell us do you have an opinion as to what was meant  
16 by Obed Torres when you stated 13 G in that call?

17 **MR. VACCA:** Objection, Your Honor.

18 **THE COURT:** Sustained.

19 **THE WITNESS:** Gram.

09:14:11AM 20 **MR. VACCA:** Objection, Your Honor.

21 **THE COURT:** That will be stricken.

22 **BY MR. MARANGOLA:**

23 Q. Mr. Aponte Camacho, when you spoke to Carlos Figueroa and  
24 Obed Torres regarding the quantities of controlled substances  
09:14:21AM 25 that you were involved in distributing with them, did you use

1 a code word for -- or a code for the term grams?

2 **MR. VACCA:** Your Honor, I would object to that. He  
3 had been in prison a significant period of time and it's very  
4 remote from this time right here, which is 1/14/18. So he's  
09:14:41AM 5 asking to interpret when Carlos meant or what Obed Torres  
6 meant. And as far as Mr. Camacho is concerned, he was in  
7 prison for a lengthy period of time.

8 **MR. MARANGOLA:** Judge, he's testifying based on  
9 his --

09:14:55AM 10 **THE COURT:** Overruled. Haven't we already had this  
11 question answered once?

12 **MR. MARANGOLA:** We haven't had it with the call,  
13 Judge.

14 **THE COURT:** He's already answered it. Go ahead.

09:15:04AM 15 **MR. VACCA:** Your Honor, I would object to that.  
16 Yeah, he's already answered it. This is bolstering.

17 **THE COURT:** Overruled. Can he answer the question  
18 again? Same question.

19 **THE WITNESS:** Yes.

09:15:20AM 20 **BY MR. MARANGOLA:**

21 Q. What is your opinion as to the reference 13 G?

22 **MR. VACCA:** Objection, Your Honor.

23 **THE COURT:** Sustained to the form of that question.

24 **MR. MARANGOLA:** I'm sorry, I was trying to reask the  
09:15:28AM 25 question.



1                   **THE COURT:** When you're talking about opinion of  
2 someone else, it's different than what he used it for.

3 **BY MR. MARANGOLA:**

4 Q. Mr. Aponte Camacho, did you hear Obed Torres use the term  
09:15:40AM 5 G during the time you worked with him and the defendant  
6 selling drugs?

7                   **MR. VACCA:** Objection, Your Honor.

8                   **THE COURT:** Overruled.

9                   **THE WITNESS:** Yes.

09:15:47AM 10 **BY MR. MARANGOLA:**

11 Q. Did you also hear the defendant Carlos Figueroa use the  
12 term G when you -- during the time you sold drugs with him?

13                   **MR. VACCA:** Objection, Your Honor.

14                   **THE COURT:** Overruled.

09:15:58AM 15 **THE WITNESS:** Yes.

16 **BY MR. MARANGOLA:**

17 Q. During that time the reference to G, what did you  
18 understand it to be --

19                   **MR. VACCA:** Objection.

09:16:03AM 20 **BY MR. MARANGOLA:**

21 Q. -- when they used it?

22                   **MR. VACCA:** Too remote as to time and place.

23                   **THE COURT:** Overruled. Go ahead.

24                   **THE WITNESS:** Grams.

09:16:10AM 25 **BY MR. MARANGOLA:**

1 Q. Okay. All right. If we can move to tab 1-82 -- I'm sorry,  
2 1-72. Mr. Aponte Camacho, do you see the date and time of  
3 this call, the data for which -- if it's not already been  
4 offered into evidence, I would offer it at this time.

09:17:18AM 5 **MR. VACCA:** Objection, Your Honor.

6 **THE COURT:** Sustained.

7 **MR. MARANGOLA:** For the data, Judge?

8 **THE COURT:** You're just going for the data?

9 **MR. MARANGOLA:** Yeah, yeah.

09:17:28AM 10 **THE COURT:** That's not what you said, though. All  
11 right, go ahead. Ask the question again.

12 **BY MR. MARANGOLA:**

13 Q. Mr. Aponte Camacho, do you see the date and time of this  
14 call?

09:17:48AM 15 A. Yes.

16 Q. What is it?

17 A. January 19, 2018 and the time is 11:40 a.m.

18 Q. Are your initials on the bottom of this transcript?

19 A. Yes.

09:18:09AM 20 Q. Did you listen to the call corresponding to this  
21 transcript?

22 A. Yes.

23 Q. Did you recognize the speakers in the call when you  
24 listened to it?

09:18:20AM 25 A. Yes.

1 Q. And are the speakers accurately identified in the  
2 transcript?

3 **MR. VACCA:** Objection, Your Honor. First of all,  
4 this is a couple years after he is incarcerated. He had no  
09:18:32AM 5 contact with these individuals for many years and now --

6 **MR. MARANGOLA:** Objection, Judge, Mr. Vacca is just  
7 making stuff up here.

8 **MR. VACCA:** I'm not making anything up here.

9 **THE COURT:** Go ahead, finish your objection.

09:18:45AM 10 **MR. VACCA:** Your Honor, this is several years away  
11 from when he was incarcerated and he's being asked to give an  
12 opinion as to who made the phone call, what they meant by  
13 certain things. This is a couple years away from him being  
14 incarcerated and there's no relevancy, no foundation.

09:19:00AM 15 **THE COURT:** Okay, thank you. Overruled. Go ahead.  
16 You can answer the question.

17 **BY MR. MARANGOLA:**

18 Q. My question was with regard to the identity of the  
19 participants in this call, are they accurately listed in the  
09:19:13AM 20 transcript, Mr. Aponte Camacho?

21 **MR. VACCA:** Objection, Your Honor.

22 **THE COURT:** Overruled.

23 **THE WITNESS:** Yes.

24 **BY MR. MARANGOLA:**

09:19:20AM 25 Q. And who are they?

1 A. Javi and Ingrid.

2 **MR. MARANGOLA:** At this time I'd offer the call  
3 corresponding to tab 1-72-273,0,0.

4 **MR. VACCA:** Objection, Your Honor.

09:19:41AM 5 **THE COURT:** At this point sustained. I don't recall  
6 him identifying knowing the voice of Ingrid Mercado, did he?

7 **MR. MARANGOLA:** I'll ask some follow-up on that,  
8 Judge, I thought. So if he didn't --

9 **THE COURT:** I don't think he did.

09:19:54AM 10 **BY MR. MARANGOLA:**

11 Q. Mr. Aponte Camacho, have you ever spoken to an individual  
12 named Ingrid Mercado?

13 A. Yes.

14 Q. Can you tell us do you know who Ingrid Mercado is?

09:20:07AM 15 A. She was the wife of Javi's brother.

16 Q. Did you speak to her during -- between May of 2015 and  
17 December of 2016?

18 A. Yes.

19 Q. Can you give us an idea of approximately how many times  
09:20:27AM 20 you spoke to her during that period of time?

21 A. Maybe 100 times.

22 Q. Based on that are you familiar with the voice of Ingrid  
23 Mercado?

24 A. Yes.

09:20:49AM 25 Q. I would ask are you familiar with the voices that are set

1 forth in the transcript for call 1-172-273,0,0?

2 A. Yes.

3 Q. And is the person whose voice you're familiar with and  
4 identified as Ingrid Mercado the same one that you identified  
09:21:11AM 5 in this transcript?

6 A. Yes.

7 **THE COURT:** I guess I'm confused. Is that  
8 1-172-273?

9 **MR. MARANGOLA:** No, it's just 1-72.

09:21:26AM 10 **THE COURT:** You said 172.

11 **MR. MARANGOLA:** I'm sorry.

12 **MR. VACCA:** It's 172?

13 **MR. MARANGOLA:** It's 1-72.

14 **MR. VACCA:** But no dash 273?

09:21:36AM 15 **MR. MARANGOLA:** That's the remainder of the label,  
16 yes, the Exhibit is 1-72-273,0,0.

17 **MR. VACCA:** Okay.

18 **BY MR. MARANGOLA:**

19 Q. Mr. Aponte Camacho, do you see Government's Exhibit 26 on  
09:21:53AM 20 your screen?

21 A. Yes.

22 Q. Do you see the person you knew as Ingrid Mercado in this  
23 exhibit?

24 A. Yes.

09:21:58AM 25 Q. Would you point to her and describe -- point to her in the

1 photo and then we can identify which circle you've indicated.

2 And for the record you've circled the photograph on the bottom  
3 row second to the left; is that correct?

4 A. Yes.

09:22:18AM 5 Q. And she's one of the participants in this call, that  
6 transcript 1-72; is that correct?

7 A. Yes.

8 Q. And do you see the other participant in Government's  
9 Exhibit 26?

09:22:33AM 10 A. Yes.

11 Q. Would you circle his photograph so we can identify that  
12 for the record? All right, you've circled the top photo; is  
13 that correct?

14 A. Yes.

09:22:45AM 15 Q. The person you previously identified as the defendant; is  
16 that correct?

17 A. Yes.

18 **MR. MARANGOLA:** At this time, Your Honor, I offer  
19 the call corresponding to 1-72-273,0,0.

09:23:04AM 20 **MR. VACCA:** *Voir dire*, Your Honor?

21 **THE COURT:** Sure, go ahead.

22 **MR. VACCA:** Okay. Mr. Camacho, you were  
23 incarcerated back in December of 2016?

24 **THE WITNESS:** Yes.

09:23:16AM 25 **MR. VACCA:** So from December of 2016 to today had

1 you spoken to Carlos Javier Figueroa?

2 **THE WITNESS:** No.

3 **MR. VACCA:** Had you spoken to Ingrid Mercado during  
4 that period of time?

09:23:32AM 5 **THE WITNESS:** No.

6 **MR. VACCA:** Had you spoken to them in person or had  
7 you spoken to them on the phone during that period of time?

8 **THE WITNESS:** No.

9 **MR. VACCA:** When is the last time that you spoke to  
09:23:45AM 10 Ingrid Mercado or heard her voice?

11 **THE WITNESS:** Before I went to jail.

12 **MR. VACCA:** Before you went to jail, which was when?

13 **THE WITNESS:** I will say like in November.

14 **MR. VACCA:** Of 2000 and what?

09:24:09AM 15 **THE WITNESS:** 2016.

16 **MR. VACCA:** 2016. So that was what? Four and a  
17 half years ago?

18 **THE WITNESS:** Something like that.

19 **MR. VACCA:** Something like four and a half years  
09:24:21AM 20 ago. Now with respect to Government's Exhibit 1-72, when did  
21 you first come in contact with that phone call?

22 **MR. MARANGOLA:** Objection, Judge, to the *voir dire*.

23 **THE COURT:** No, overruled.

24 **MR. VACCA:** When is the first time you came into  
09:24:39AM 25 contact with that phone call?

1           **THE WITNESS:** I don't remember exactly when it was.

2           **MR. VACCA:** Was it within the past year?

3           **THE WITNESS:** No.

4           **MR. VACCA:** No. How many years ago was it?

09:24:59AM 5           **THE WITNESS:** This year.

6           **MR. VACCA:** It was this year, okay. And did you  
7 listen to the recording?

8           **THE WITNESS:** Yes.

9           **MR. VACCA:** And where did you listen to the  
09:25:08AM 10 recording?

11           **THE WITNESS:** Here.

12           **MR. VACCA:** Here?

13           **THE WITNESS:** When I was meeting with the  
14 U.S. Attorney.

09:25:22AM 15           **MR. VACCA:** Okay. Were there any investigators  
16 there or any police officials when you were listening to this  
17 phone call?

18           **THE WITNESS:** Yes.

19           **MR. VACCA:** Okay. How many?

09:25:32AM 20           **THE COURT:** Now you're getting well beyond  
21 *voir dire*.

22           **MR. VACCA:** Okay. Well, Your Honor, I would object  
23 to the admission of it based on relevance, time, the fact that  
24 he had intervening conversations with law enforcement  
09:25:46AM 25 listening to this.



1                   **THE COURT:** Okay, overruled. 1-72-273,0,0 will be  
2 received.

3                   (**WHEREUPON**, Government's Exhibit 1-72-273,0,0 was  
4 received into evidence).

09:26:00AM 5 **BY MR. MARANGOLA:**

6 Q. Before we play the call, Mr. Aponte Camacho, Mr. Vacca  
7 just asked you how long it had been since you heard the  
8 defendant's voice. Do you recall -- do you recall he just  
9 asked you that question?

09:26:18AM 10 A. Yes.

11 Q. When you heard the defendant's voice in this call had his  
12 voice changed in the last four years while you were in jail?

13 A. No, for nothing.

14 Q. When you heard Ingrid Mercado's voice after being in jail,  
09:26:34AM 15 had her voice changed?

16 A. No.

17 Q. If you can clear your marks on the screen? And if we  
18 could now play the call. Mr. Aponte Camacho, this is a  
19 Spanish call; is that correct?

09:26:57AM 20 A. Yes.

21 Q. All right. If we can now play it from the Spanish caption  
22 compilation tab 1-72-273,0,0? If we could now play the --  
23 from the pole camera compilation disk the clip at 12:10,  
24 approximately 30 minutes after this call on January 19th,  
09:27:48AM 25 2018?

1                   Mr. Aponte Camacho, do you recognize the vehicle  
2 that just pulled into the driveway in that clip?

3       A.     Yes.

4       Q.     Whose vehicle do you recognize that to be?

09:28:06AM 5                   **MR. VACCA:** Objection, Your Honor.

6                   **THE COURT:** Overruled. Why don't you put the time  
7 on here?

8                   **MR. MARANGOLA:** Sure.

9       **BY MR. MARANGOLA:**

09:28:12AM 10       Q.     At 21 seconds into the clip, which is at 12:11 p.m., Mr.  
11 Aponte Camacho, whose vehicle do you recognize that to be?

12       A.     Javi's truck.

13       Q.     Did you see an individual exit the driver's side of the  
14 truck after it pulled into the driveway?

09:28:31AM 15       A.     Yes.

16       Q.     If we can play it? Who do you recognize that individual  
17 to be?

18       A.     Javi.

19       Q.     What do you see the defendant do in this clip at --  
09:28:45AM 20 continuing at 12:11?

21                   **MR. VACCA:** Well, Your Honor, first of all, the  
22 video speaks for itself. Secondly, this is the second time  
23 we're hearing this. I know it was with another witness, but  
24 there has to be some type of limit as to how many times you  
09:28:58AM 25 play the same clip.

1                   **THE COURT:** Overruled. Go ahead. We are going to  
2 start limiting the duplication here for sure or we'll be here  
3 until Christmas. Go ahead.

4 **BY MR. MARANGOLA:**

09:29:13AM 5 Q. If we can keep playing? Mr. Aponte Camacho, do you  
6 recognize the residence shown at 12:11 -- or 12:12 in this  
7 portion of the clip?

8 A. Yes.

9 Q. What do you recognize that residence to be?

09:29:53AM 10                   **MR. VACCA:** Objection, Your Honor, no foundation for  
11 this witness.

12                   **THE COURT:** Overruled. Go ahead.

13                   **THE WITNESS:** Fernwood.

14 **BY MR. MARANGOLA:**

09:30:00AM 15 Q. Have you ever been in that residence before?

16 A. Yes.

17 Q. Can you tell us the circumstances under which you had been  
18 inside the residence before?

19                   **MR. VACCA:** Objection, Your Honor, relevancy.

09:30:10AM 20                   **THE COURT:** Overruled. Go ahead.

21                   **THE WITNESS:** I went there to get the money from the  
22 table and to give Javi a hair cut and to talk to Javi there.

23 **BY MR. MARANGOLA:**

24 Q. All right. If we can keep playing? Mr. Aponte Camacho,  
09:30:48AM 25 we've paused it at 12:12:41. The vehicle you see in this

1 clip, is that the same or different vehicle than you saw in  
2 the previous two clips today?

3 **MR. VACCA:** Objection, Your Honor, bolstering.

4 **MR. MARANGOLA:** Judge, if I can have a minute to be  
09:31:03AM 5 heard on the bolstering with regard to this --

6 **THE COURT:** You've had 20 questions on the same car.  
7 I mean, how many times are you going to identify the same car?

8 **MR. MARANGOLA:** He disputed one of the pole camera  
9 clips that it was the defendant's truck.

09:31:17AM 10 **THE COURT:** Go ahead, we're going to start cutting  
11 you off.

12 **MR. MARANGOLA:** Thank you.

13 **BY MR. MARANGOLA:**

14 Q. Can you tell us does that appear to be the same or  
09:31:23AM 15 different truck than you identified in the two previous clips  
16 from this morning?

17 **MR. VACCA:** Objection, Your Honor.

18 **THE COURT:** Overruled. Go ahead.

19 **THE WITNESS:** For me it's the same.

09:31:33AM 20 **BY MR. MARANGOLA:**

21 Q. All right. If you can flip --

22 **MR. VACCA:** That's unresponsive, Your Honor.

23 It's -- for me it's the same. I don't know what that means.

24 **MR. MARANGOLA:** If he wants to cross-examine him,  
09:31:44AM 25 Judge?

1                   **THE COURT:** Overruled, let's move ahead.

2                   **BY MR. MARANGOLA:**

3                   Q.    Mr. Aponte Camacho, would you flip to tab 1-111-1209? I'd  
4                   like you to look at that transcript as well as the tab next to  
09:32:12AM 5                   it, 1-112-1211, and tell me after you've looked at both of  
6                   those.

7                   A.    What was the number again?

8                   Q.    Next tab is 1-112-1211. The first tab is 1-111. The  
9                   second one is 1-112.

09:33:05AM 10                  A.    Can you repeat the number again.

11                  Q.    1-111. Are you at the transcript for the call behind  
12                  1-111?

13                  A.    Yes.

14                  Q.    All right. So it's 1-111-1209, correct?

09:33:47AM 15                  A.    Yes.

16                  Q.    Take a look at that call. And then I want to ask you  
17                  about that call and the next call tab 1-112.

18                  A.    Okay.

19                  Q.    Have you looked at both of those?

09:34:11AM 20                  A.    Yes.

21                  Q.    Are your initials on both of those transcripts?

22                  A.    Yes.

23                  Q.    Did you listen to the calls that correspond to both of  
24                  those transcripts?

09:34:21AM 25                  A.    Yes.

1 Q. Did you recognize the speakers in the calls that are set  
2 forth in both of those transcripts?

3 MR. VACCA: Objection, Your Honor.

4 THE COURT: Overruled. Go ahead.

09:34:32AM 5 THE WITNESS: Yes.

6 BY MR. MARANGOLA:

7 Q. And who are the speakers in those two calls?

8 MR. VACCA: Objection, Your Honor.

9 THE COURT: Overruled.

09:34:43AM 10 THE WITNESS: Leitscha and Tito.

11 BY MR. MARANGOLA:

12 Q. Mr. Aponte Camacho, during the time that you sold drugs  
13 for the defendant, did you speak to the individual you just  
14 referred to as Tito?

09:34:58AM 15 A. Yes.

16 Q. Approximately how many occasions?

17 A. Maybe 50 times.

18 Q. Based on that are you familiar with his voice?

19 A. Yes.

09:35:15AM 20 Q. All right. And is the person who you spoke to over 50  
21 times the same person you identified as Tito in these two  
22 transcripts?

23 MR. VACCA: Objection, Your Honor.

24 THE COURT: Overruled. Go ahead.

09:35:25AM 25 THE WITNESS: Yes.

1                   **MR. MARANGOLA:** All right, Judge, I'm not going to  
2 play those two at this time. I wanted to ask the witness  
3 based on his initials on those transcripts.

4                   **THE COURT:** Thank you.

09:35:36AM 5   **BY MR. MARANGOLA:**

6   Q.   Mr. Aponte Camacho, if you could flip now to tab 1-120?  
7 1-120? Let me know when you're at that transcript.

8   A.   I'm there.

9   Q.   Did you listen to the -- first of all, are your initials  
09:36:11AM 10 on that transcript?

11   A.   Yes.

12   Q.   Did you listen to the call that corresponds to that  
13 transcript?

14   A.   Yes.

09:36:18AM 15   Q.   Did you recognize the voices in that call when you heard  
16 the call?

17   A.   Yes.

18   Q.   Are the voices in that call accurately set forth in the  
19 transcript?

09:36:29AM 20                   **MR. VACCA:** Objection, Your Honor.

21                   **THE COURT:** Overruled.

22                   **THE WITNESS:** Yes.

23   **BY MR. MARANGOLA:**

24   Q.   Can you tell us who are the individuals that were speaking  
09:36:36AM 25 during that call?

1                   **MR. VACCA:** Objection, Your Honor.

2                   **THE COURT:** Overruled.

3                   **THE WITNESS:** Leitscha, Karina, and Javi.

4 **BY MR. MARANGOLA:**

09:36:46AM 5 Q. All right. And if you can flip to tab -- I'm not going to  
6 offer that at this time either, Your Honor.

7                   Mr. Aponte Camacho, if you can flip to tab 1-160?

8 A. I'm there.

9 Q. All right. Are your initials on that transcript?

09:37:26AM 10 A. Yes.

11 Q. Did you listen to the call corresponding to this  
12 transcript?

13 A. Yes.

14 Q. Did you recognize the voices in that call?

09:37:36AM 15 A. Yes.

16 Q. Are the voices accurately identified in the transcript?

17                   **MR. VACCA:** Objection, Your Honor.

18                   **THE COURT:** Overruled.

19                   **THE WITNESS:** Yes.

09:37:44AM 20 **BY MR. MARANGOLA:**

21 Q. Who are the speakers in this call?

22                   **MR. VACCA:** Objection, Your Honor.

23                   **THE COURT:** Overruled.

24                   **THE WITNESS:** Javi, Tapon, and Obed.

09:37:53AM 25 **BY MR. MARANGOLA:**



1 Q. I'm going to ask you to now -- we've already played that  
2 call, Your Honor, so I'm going to skip to call -- Mr. Aponte  
3 Camacho, I'd like you to flip to tab 1-163.

4 A. I'm there.

09:38:27AM 5 Q. Are your initials on that transcript?

6 A. Yes.

7 Q. Did you listen to the call corresponding to that  
8 transcript?

9 A. Yes.

09:38:35AM 10 Q. Did you recognize the speakers in the call when you  
11 listened to it?

12 **MR. VACCA:** Objection, Your Honor.

13 **THE COURT:** Overruled.

14 **THE WITNESS:** Yes.

09:38:42AM 15 **BY MR. MARANGOLA:**

16 Q. And who were the speakers in that call when you listened  
17 to it?

18 **MR. VACCA:** Objection, Your Honor.

19 **THE COURT:** Overruled.

09:38:49AM 20 **THE WITNESS:** Leitscha, Javi and Tapon.

21 **BY MR. MARANGOLA:**

22 Q. And are the speakers for -- are the voices of Leitscha,  
23 Javi and Tapon accurately set forth in the transcript for this  
24 call?

09:39:05AM 25 **MR. VACCA:** Objection, Your Honor.

1                   **THE COURT:** Overruled.

2                   **THE WITNESS:** Yeah.

3 **BY MR. MARANGOLA:**

4 Q. All right. I'm going to skip to the next call, which is  
09:39:17AM 5 tab 1-164.

6 A. I'm there.

7 Q. Are your initials on that transcript?

8 A. Yes.

9 Q. Did you listen to the call corresponding to that  
09:39:33AM 10 transcript?

11 A. Yes.

12 Q. Did you recognize the voices in the call when you listened  
13 to it?

14 A. Yes.

09:39:40AM 15 Q. Who were the speakers in that call?

16                   **MR. VACCA:** Objection, Your Honor.

17                   **THE COURT:** Overruled.

18                   **THE WITNESS:** Javi and Obed.

19 **BY MR. MARANGOLA:**

09:39:49AM 20 Q. Are the voices attributed accurately to Javi and Obed in  
21 the transcript for this call?

22                   **MR. VACCA:** Objection, Your Honor.

23                   **THE COURT:** Overruled.

24                   **THE WITNESS:** Yes.

09:39:59AM 25 **BY MR. MARANGOLA:**

1 Q. Finally tab 1-165. Are your initials on that transcript?

2 A. Yes.

3 Q. Did you listen to the call corresponding to that  
4 transcript?

09:40:24AM 5 A. Yes.

6 Q. Did you recognize one of the voices in that call?

7 A. Yes.

8 Q. Whose voice did you recognize?

9 **MR. VACCA:** Objection, Your Honor.

09:40:35AM 10 **THE COURT:** Overruled.

11 **THE WITNESS:** Javi.

12 **BY MR. MARANGOLA:**

13 Q. Is the -- is Javi accurately identified as one of the  
14 participants in that call?

09:40:45AM 15 **MR. VACCA:** Objection.

16 **THE COURT:** Overruled.

17 **THE WITNESS:** Yes.

18 **BY MR. MARANGOLA:**

19 Q. All right. Now, if you can flip down to tab 1-178. Are  
09:41:18AM 20 your initials on that transcript?

21 A. Yes.

22 Q. All right. I'd like you to take a look at that transcript  
23 as well as the one right after it 1-180. I'm sorry. 1-178  
24 and 1-179.

09:41:47AM 25 A. Okay, I'm there.

1 Q. Did you review both of those transcripts?

2 A. Yes.

3 Q. Are your initials on both of those transcripts?

4 A. Yes.

09:41:58AM 5 Q. Did you listen to the calls that correspond to each of  
6 those transcripts?

7 A. Yes.

8 Q. Did you recognize the voices of the participants in those  
9 two calls?

09:42:11AM 10 A. Yes.

11 Q. Who were the participants in those two calls?

12 **MR. VACCA:** Objection, Your Honor.

13 **THE COURT:** Overruled.

14 **THE WITNESS:** Javi and Obed.

09:42:18AM 15 **BY MR. MARANGOLA:**

16 Q. In both of those two calls?

17 A. Yes.

18 Q. And are the parts for Javi and Obed accurately set forth  
19 in the transcripts for each of the two calls?

09:42:32AM 20 A. Yes.

21 Q. And these are both Spanish calls; is that correct?

22 A. Yes.

23 Q. All right.

24 **MR. MARANGOLA:** Your Honor, at this time I'd offer

09:42:41AM 25 Government's 1-179-679 and 1-180 -- I'm sorry, I keep moving

1 one ahead.

2 1-179-679 and the call right before it which is

3 1-178-759.

4 **MR. VACCA:** *Voir dire*, Your Honor?

09:43:12AM 5 **THE COURT:** Sure.

6 **MR. VACCA:** I just have to find these again. You're  
7 offering 178 and 179, correct?

8 **MR. MARANGOLA:** Correct.

9 **MR. VACCA:** Mr. Camacho, with respect to 1-178, when  
09:43:59AM 10 did you first listen to that call?

11 **THE WITNESS:** When I meet -- when I meet with the  
12 U.S. Attorney.

13 **MR. VACCA:** And did you read -- were you able to  
14 read the written version of that call which is at 178?

09:44:23AM 15 **THE WITNESS:** Yes.

16 **MR. VACCA:** You were -- are you able to read  
17 English?

18 **THE WITNESS:** Yes, but not very good.

19 **MR. VACCA:** Okay. So did you listen to this phone  
09:44:33AM 20 call at 178 or did you read it?

21 **THE WITNESS:** I listened to it and I read it.

22 **MR. VACCA:** Okay. And then you were asked to put  
23 your initials on it?

24 **THE WITNESS:** After the interpreter read it to me.

09:44:58AM 25 **MR. VACCA:** So the interpreter read it to you. You

1 weren't able to read it yourself, correct?

2 **MR. MARANGOLA:** Objection to the form of the  
3 question.

4 **THE COURT:** Overruled. Go ahead.

09:45:08AM 5 **THE WITNESS:** I had a paper to read it and the  
6 interpreter had another one.

7 **MR. VACCA:** Same paper or different paper?

8 **THE WITNESS:** The same paper, the same call.

9 **MR. VACCA:** So with that did you compare the written  
09:45:24AM 10 version to what you heard?

11 **THE WITNESS:** I don't understand the question.

12 **MR. VACCA:** All right. There's a written version,  
13 right?

14 **THE WITNESS:** Yes.

09:45:35AM 15 **MR. VACCA:** All right. And then there's the  
16 recording?

17 **THE WITNESS:** Yes.

18 **MR. VACCA:** Did you listen to the recording?

19 **THE WITNESS:** Yes.

09:45:43AM 20 **MR. VACCA:** Did you listen to -- or did you read the  
21 written version?

22 **THE WITNESS:** Yes.

23 **MR. VACCA:** But someone read it to you, correct?

24 **THE WITNESS:** I read it and somebody read it also  
09:45:59AM 25 and they translated it.

1                   **MR. VACCA:** Now, you weren't there when this  
2 conversation took place on January 28, 2018, correct?

3                   **THE WITNESS:** I was in jail.

4                   **MR. VACCA:** You were in jail for -- up to that point  
09:46:16AM 5 you were in jail for what? Four, almost five years?

6                   **MR. MARANGOLA:** Objection, Judge, asked and  
7 answered. I think we've established he was in jail during  
8 these calls.

9                   **THE COURT:** Yes, sustained.

09:46:25AM 10                   **MR. VACCA:** Well, Your Honor, I would object to that  
11 Exhibit 178.

12                   **THE COURT:** Overruled. 1-178-759 will be received.

13                   (WHEREUPON, Government's Exhibit 1-178-759 was  
14 received into evidence).

09:46:42AM 15                   **MR. VACCA:** Same objection with the next one 1 --  
16 179-679, Your Honor.

17                   **THE COURT:** Overruled. 1-179-679 will also be  
18 received.

19                   (WHEREUPON, Government's Exhibit 1-179-679 was  
09:46:55AM 20 received into evidence).

21 **BY MR. MARANGOLA:**

22 Q. Mr. Aponte Camacho, I don't know if I asked you, these are  
23 both Spanish calls; is that right?

24 A. Yes.

09:47:03AM 25 Q. All right. And if we can start with 1-178? Before we

1 play it, this call is on January 28, 2018 at 5:13 and 23  
2 seconds, the target number is 766-8057, and the incoming call  
3 number is 673-6756; is that correct?

4 A. Yes.

09:47:40AM 5 Q. All right. If we can play it? All right, now if we could  
6 just pull up the -- at the very beginning to look at the data  
7 one more time? Mr. Aponte Camacho, the target number is the  
8 number ending in 8057; is that right?

9 A. Yes.

09:48:25AM 10 Q. I'd like to pull up Government's Exhibit 494-A, which is  
11 the extraction for that phone. If we could go to page 21 of  
12 the contacts in that extraction? I'm sorry, page 21 of the  
13 extraction itself.

14 I'd like to expand contacts 268 and 269. Mr.

09:49:07AM 15 Aponte Camacho, do you see the name of the contact? What's the  
16 name of that contact?

17 A. I don't see a name.

18 Q. Do you see any letters next to the word name?

19 A. An O, and two B.

09:49:33AM 20 Q. What about a phone number associated with the contact for  
21 OBB?

22 A. Yes.

23 Q. Can you read that phone number?

24 A. Yes.

09:49:47AM 25 Q. What is it?



1 A. 585-673-6756.

2 Q. Can you look at your transcript for call 1-178 and tell us  
3 is that the same number or different number next to the  
4 incoming call number for that call?

09:50:12AM 5 A. The same number.

6 Q. All right. Now, the time for the call, that first call, is  
7 5:13 and 23 seconds; is that correct?

8 A. Yes.

9 Q. All right. If we can now flip to the next call 1-179-679.  
09:50:47AM 10 If we can pause it before playing it? This is a call same

11 date, January 28th, at 5:13 and 57 seconds. Do you see that?

12 A. Yes.

13 Q. And the speakers on this call are the same as the speakers  
14 on the previous call we just listened to; is that right?

09:51:09AM 15 A. Yes.

16 Q. Approximately how many seconds later is this call at tab  
17 1-179 than the previous call 1-178?

18 A. Like 20 seconds.

19 Q. All right. Less than a minute later?

09:51:41AM 20 A. Yes.

21 Q. Okay. If we can play this call? All right. If we can go  
22 to the extraction marked Government's 464A? That's the  
23 extraction for 485-9001, which was received. And if we could  
24 go to page 2 of that extraction in the contacts ?

09:52:47AM 25 Mr. Aponte Camacho, do you see that on your screen?

1 A. Yes.

2 Q. I'd like you to look at the third contact from the top,  
3 the contact with the name C. Do you see that?

4 A. Yes.

09:53:00AM 5 Q. What's the phone number associated with the contact C in  
6 this exhibit?

7 A. 662-8156.

8 Q. Now, I'd like you to look at your transcript for the call  
9 we just heard 1-179 and can you tell us is that the same or  
09:53:30AM 10 different number listed for the target number on the call  
11 1-179?

12 A. The same number.

13 Q. All right. Mr. Aponte Camacho, have you ever heard the  
14 term four old ladies of 62 years in connection with your  
09:54:07AM 15 selling drugs with the defendant, Obed Torres, Roberto  
16 Figueroa, Leitscha Poncedeleon, Jonathan Cruz-Carmona and some  
17 of the other individuals you've testified about?

18 A. You're asking me when I was out?

19 Q. Yes. When you were selling drugs -- during the time you  
09:54:34AM 20 sold drugs with the defendant and these other individuals, did  
21 you ever hear that term?

22 A. I heard the term of 62, -- but not of the old ladies.

23 Q. All right. When you heard the term 62 in your  
24 participation, what did you understand that term to mean?

09:54:58AM 25 **MR. VACCA:** Objection, Your Honor.

1                   **THE COURT:** Just 62, he can answer that.

2                   **THE WITNESS:** Yes.

3 **BY MR. MARANGOLA:**

4 Q.    What did you understand that term to mean when you heard  
09:55:08AM 5 it during your participation in this operation?

6                   **MR. VACCA:** Objection, Your Honor.

7                   **THE COURT:** Overrule the objection.    You can answer  
8 that question.

9                   **THE WITNESS:** A 62 of cocaine.

09:55:17AM 10 **BY MR. MARANGOLA:**

11 Q.    Was -- did you ever hear the term 62 referred to anything  
12 other than 62 grams of cocaine?

13                   **MR. VACCA:** Objection, Your Honor.

14                   **THE COURT:** Sustained to the form of the question.

09:55:32AM 15 **BY MR. MARANGOLA:**

16 Q.    Mr. Aponte Camacho, when you spoke to either the defendant  
17 or Obed Torres or Leitscha Poncedeleon or Roberto Figueroa  
18 during the course of the time you sold drugs with them, did  
19 you ever hear the term 62 and understand it to mean anything  
09:55:52AM 20 other than 62 grams of cocaine?

21                   **MR. VACCA:** Objection, Your Honor, to the form of  
22 the question.

23                   **THE COURT:** Overruled.    Go ahead.

24                   **THE WITNESS:** Yes, I heard it and the only thing I  
09:56:06AM 25 understood with them it was cocaine.

1 **BY MR. MARANGOLA:**

2 Q. All right.

3 A. The only thing that I heard that they were referring to.

4 Q. If you can now flip to tab 1-185. Are you there?

09:56:55AM 5 A. Yes.

6 Q. Are your initials on that transcript?

7 A. Yes.

8 Q. Did you listen to the call that corresponds to that  
9 transcript?

09:57:05AM 10 A. Yes.

11 Q. Did you recognize the voices that were in the call that  
12 you listened to?

13 A. Yes.

14 Q. Whose voices did you recognize?

09:57:20AM 15 A. Javi and Obed.

16 **MR. VACCA:** Objection, Your Honor.

17 **THE COURT:** Overruled. The answer will stand.

18 **BY MR. MARANGOLA:**

19 Q. Are the voices of Javi and Obed accurately attributed in  
09:57:29AM 20 the transcript set forth at the tab at Government's 1-185-724?

21 **MR. VACCA:** Objection, Your Honor, foundation.

22 **THE COURT:** Overruled.

23 **THE WITNESS:** Yes.

24 **MR. MARANGOLA:** At this time I'd offer Government's  
09:57:50AM 25 1-185-724.

1                   **MR. VACCA:** Same objection, Your Honor, that I've  
2       been having with this.

3                   **THE COURT:** Okay, overruled. 1-185-724 will be  
4       received.

09:58:06AM 5                   (**WHEREUPON**, Government's Exhibit 1-185-724 was  
6       received into evidence).

7       **BY MR. MARANGOLA:**

8       Q.     Mr. Aponte Camacho, before we play the call Mr. Vacca had  
9       asked you if you listened to some of these calls in the room  
09:58:24AM 10      with other agents or police. Do you remember that question?

11      A.     Yes.

12      Q.     Did anyone ever tell you who the speakers were in any of  
13      the calls that you put your initials on?

14      A.     No.

09:58:41AM 15      Q.     And were there occasions where you indicated you did not  
16      recognize a particular voice?

17      A.     Yes.

18      Q.     Did somebody tell you who the voice was?

19      A.     No.

09:58:59AM 20      Q.     Okay. If we could play 1-185-724? And for the record this  
21      is a Spanish call; is that correct, Mr. Aponte Camacho?

22      A.     Yes.

23      Q.     And that call is a call from January 29th, 2018 at 10:39  
24      and 10 seconds in the morning; is that correct?

09:59:52AM 25      A.     Yes.

1 Q. And that's the same two numbers of the previous call which  
2 we just listened to; is that correct?

3 A. If they're the same numbers?

4 Q. Yes.

10:00:06AM 5 A. The one on the top I see that it's the same. The one on  
6 the bottom I don't know if it's the same one. You're talking  
7 about the phone number?

8 Q. Yes.

9 A. I didn't see if it was the same one.

10:00:29AM 10 Q. Okay. Why don't you go back to tab 1-179?

11 A. Yes, it's the same.

12 Q. It's the same one 485-9001; is that right?

13 A. Yes.

14 Q. All right. If we could play the -- from the pole camera  
10:00:58AM 15 compilation at -- on January 29th, 2018, at approximately  
16 10:40, one -- less than one minute after this call. Do you  
17 recognize the location shown there, Mr. Aponte Camacho?

18 A. Yes.

19 Q. Whose driveway and house is that?

10:01:38AM 20 A. Javi.

21 Q. Can you tell us what you observed there?

22 A. A car getting in the driveway.

23 Q. All right. Can you tell us what color that car is at  
24 10:40 and 31 seconds?

10:02:11AM 25 A. I think it's black.

1 Q. All right. We can pause it. I'm sorry, play it. Can you  
2 tell us what you just observed there?

3 A. Two person getting out of the car.

4 Q. Can you -- do you recognize either of those two  
10:02:35AM 5 individuals?

6 A. One.

7 Q. Which one do you recognize?

8 A. The one that has the white shirt.

9 Q. Who do you recognize the person that has the white shirt  
10:02:50AM 10 to be?

11 A. Jashua, Jashua Figueroa.

12 Q. Do you know -- by the way, who is Jashua Figueroa's  
13 mother?

14 A. Ingrid Mercado.

10:03:05AM 15 Q. The person you previously identified today?

16 A. Yes.

17 Q. All right. If we can keep playing. Mr. Aponte Camacho,  
18 I'd like you to flip to tab 1-191. Are your initials on that  
19 transcript?

10:03:46AM 20 A. Yes.

21 Q. Did you listen to a call that corresponds to that  
22 transcript?

23 A. Yes.

24 Q. Did you recognize any of the voices in that call when you  
10:03:58AM 25 listened to it?

1 A. Yes.

2 Q. Whose voices did you recognize?

3 **MR. VACCA:** Objection, Your Honor.

4 **THE COURT:** Overruled.

10:04:05AM 5 **THE WITNESS:** Javi and Nishy, Javi's wife.

6 **BY MR. MARANGOLA:**

7 Q. Now, how many times did you speak to Nishy, Javi's wife,  
8 during the course of the time that you worked for Javi between  
9 May of 2015 and your arrest in December of 2016?

10:04:28AM 10 A. Maybe 100 times.

11 Q. All right. And based on those 100 or so times you heard  
12 her voice, you recognized it in the call at tab 1-191-787?

13 A. Yes.

14 Q. And that's already been in evidence. I'm going to move on  
10:04:54AM 15 to tab 1-192. Are your initials on that transcript?

16 A. Yes.

17 Q. Did you listen to the call that corresponds to that  
18 transcript?

19 A. Yes.

10:05:07AM 20 Q. Did you recognize any of the voices in that call?

21 A. Yes.

22 Q. Are those voices accurately set forth in the transcript  
23 behind tab 1-192-788?

24 A. Yes.

10:05:25AM 25 Q. And for the record whose voices did you recognize?



1                   **MR. VACCA:** Objection, Your Honor.

2                   **THE COURT:** Overruled.

3                   **THE WITNESS:** Javi and Nishy's, Javi's wife.

4                   **BY MR. MARANGOLA:**

10:05:37AM 5       Q.     All right. And, finally, Government's 1-193. Are -- did  
6       you listen to the call that corresponds to the transcript  
7       behind tab 1-193?

8       A.     Yes.

9       Q.     Are your initials at the bottom of that transcript?

10:06:00AM 10     A.     Yes.

11     Q.     At the time you listened to that call did you recognize  
12     any of the voices?

13     A.     Yes.

14     Q.     Whose voices did you recognize?

10:06:13AM 15     A.     Javi's and Jomara.

16     Q.     Who is Jomara?

17     A.     Ingrid's daughter.

18     Q.     Is she related to Jashua Figueroa?

19     A.     Yes, it's the sister.

10:06:30AM 20     Q.     And had you spoken to her during the time that you worked  
21     selling drugs for the defendant?

22     A.     Yes.

23     Q.     And can you give us an idea about how many times?

24     A.     Like 50 times --

10:06:46AM 25     Q.     Based on those 50 times --

1 A. -- or more.

2 Q. -- 50 or more times hearing her voice, did you recognize  
3 it in the call corresponding to the tab at 1-193-789?

4 A. Yes.

10:07:18AM 5 Q. All right. Okay. If we can put up Government's 95? Mr.  
6 Aponte Camacho, you had started to mention at the end of  
7 Friday's session there came a time when you decided that you  
8 weren't going to continue to work for Javi. Do you recall  
9 that?

10:08:04AM 10 A. Yes.

11 Q. And can you tell us approximately when that was and why  
12 you decided to stop working for Javi?

13 A. I think it was like in October of 2016 because I was  
14 cheating on my girlfriend and Javi told her.

10:08:38AM 15 Q. And your girlfriend was who?

16 A. Karina Lopez.

17 Q. And she's the mother of your one child; is that right?

18 A. Yes.

19 Q. So you were mad at Javi for doing that?

10:08:54AM 20 A. Yes.

21 Q. Did you communicate to anyone that you weren't going to  
22 work for Javi anymore?

23 A. Yes. The day that I left in the morning I was supposed to  
24 work to sell on Burbank that morning. And Tapon was supposed  
10:09:22AM 25 to pick me up here in this building and I told him not to come

1 because I was not gonna work anymore. And he told me to take  
2 it easy, what was going on? And I told him nothing, that I  
3 was not gonna work anymore.

4 Q. At the time you said you weren't going to work anymore,  
10:09:51AM 5 was Obed still working for Javi?

6 A. Yes.

7 Q. Did there come a time after you quit that Obed was no  
8 longer -- or that Obed decided he wasn't gonna work for Javi?

9 A. Yes.

10:10:07AM 10 Q. Can you tell us about when that was?

11 A. I will say like -- like two or three weeks after I left.

12 Q. Did Obed talk to you about it?

13 A. Yes.

14 Q. What did he tell you?

10:10:33AM 15 A. He called me crying telling me that Javi told him that he  
16 was not gonna pay anymore for his attorney because he got  
17 another case and that I knew how much we screwed up working  
18 for him so that -- that now he will say that he was not gonna  
19 pay for the attorney. That when he didn't have anybody, we  
10:11:12AM 20 were there for him.

21 Q. What do you mean by how much you screwed up working for  
22 him?

23 **MR. VACCA:** Objection, Your Honor.

24 **THE COURT:** Overruled. Go ahead.

10:11:29AM 25 **THE WITNESS:** If I say it in Spanish *jodiendo*,

1 screwed up, it doesn't mean like -- it doesn't mean like we  
2 did something wrong. It means like -- like we were there for  
3 him.

4 **BY MR. MARANGOLA:**

10:11:49AM 5 Q. When you say we were there for him, who is the we and who  
6 is the him you're referring to?

7 A. Obed and I, and him Javi.

8 Q. How were you and Obed there for Javi?

9 A. Working, selling, packaging.

10:12:13AM 10 Q. Did Obed tell you that he had another case?

11 A. Yes.

12 Q. Is this different than the time he was arrested at  
13 LaForce?

14 A. Yes.

10:12:25AM 15 Q. What did he tell you about it?

16 **MR. VACCA:** Objection, Your Honor.

17 **THE COURT:** Overruled. Go ahead.

18 **THE WITNESS:** I was -- I was -- I was there when he  
19 got arrested and he told me also. It was that he got

10:12:43AM 20 arrested, he was in a four track, a very small one, and the  
21 police told him to stop and he tried to run away from the  
22 police.

23 **BY MR. MARANGOLA:**

24 Q. After Obed called you upset telling you about what  
10:13:06AM 25 happened and the attorney, what did you and Obed discuss?

1 A. To rob Javi's mom.

2 Q. Whose idea was it to rob Javi's mom?

3 A. Obed.

4 Q. Why did Obed say he wanted to rob Javi's mom?

10:13:32AM 5 A. Because he went to Javi's mom's house and he knew that  
6 Javi will save the money there.

7 Q. Had you been to Javi's mom's house?

8 A. Yes.

9 Q. I'd like to show you what's in evidence as Government's  
10:13:55AM 10 99. Do you recognize what's shown in Government's 99?

11 A. Yes.

12 Q. What's shown in Government's 99?

13 A. Javi's mom's house.

14 Q. When Obed -- you just circled the house there?

10:14:20AM 15 A. Yes.

16 Q. For the record you circled the white house in the center  
17 of the photograph, correct?

18 A. Yes.

19 Q. All right. If you can clear your marks? When Obed raised  
10:14:32AM 20 the idea of robbing Javi's mom, what did you do?

21 A. I told him that -- I was always telling him that I was  
22 like his brother, that I was like a friend to him.

23 Q. Who is him that you're referring to?

24 A. Obed. To not rob her, not to do that because that's the  
10:15:00AM 25 house of Javi's mom and if he will do that, Javi was gonna

1 send to kill his family.

2 **MR. VACCA:** Objection, Your Honor. Ask that that be  
3 stricken.

4 **THE COURT:** No, overruled. It's what he said.

10:15:24AM 5 Overruled.

6 **BY MR. MARANGOLA:**

7 Q. After you said that to Obed, did you guys continue to  
8 discuss whether or not to rob Javi's mom?

9 A. Yes, but not that day.

10:15:43AM 10 Q. All right. Tell us what happened.

11 A. I was going to some of my friends' houses on Parsell and  
12 Obed was going there also and we were always there smoking  
13 marijuana and we will start talking about that.

14 Q. About what?

10:16:04AM 15 A. To rob the house of Javi's mom.

16 Q. Did you ultimately decide on a different location?

17 A. Yes.

18 Q. What location?

19 A. The building on Culver.

10:16:25AM 20 Q. The one shown in Government's 95?

21 A. Yes.

22 Q. Why did you ultimately decide on the Culver -- the Culver  
23 Road building to rob?

24 A. Because -- because if we will rob at Javi's mom's house,  
10:16:55AM 25 he probably will send someone to do something to our family.

1 That that was the mother, nobody will want that --

2 **MR. VACCA:** Objection, Your Honor.

3 **THE COURT:** Overruled. Answer will stand. Go  
4 ahead.

10:17:15AM 5 **THE WITNESS:** -- and we went to the building on  
6 Culver because I lived in the apartment where they save the  
7 drug for a period of time and I knew that there was a lot of  
8 drugs there and with that we were able to sell it and make  
9 money.

10:17:36AM 10 **BY MR. MARANGOLA:**

11 Q. When you say we were, had you ever stolen anything from  
12 the Culver Road apartment before?

13 A. What do you mean before?

14 Q. Let me rephrase it. You said you had lived in the  
10:17:56AM 15 apartment in Government's 95 for a period of time?

16 A. Yes.

17 Q. Was that at the same time the apartment was being used as  
18 a location to store drugs and guns?

19 A. Yes.

10:18:11AM 20 Q. Did you live there for -- approximately how long did you  
21 stay there?

22 A. Maybe four months, three months.

23 Q. That you lived there?

24 A. Yes.

10:18:30AM 25 Q. Who did you live there with?

1 A. At the beginning, by myself. And later Karina went there  
2 with me also.

3 Q. At the time you lived there did you have a key?

4 A. Yes.

10:18:47AM 5 Q. Did you end up keeping that key?

6 A. When I was living there, yes.

7 Q. Did you keep the key after you were no longer living  
8 there?

9 A. No.

10:19:04AM 10 Q. All right. So when you -- did you discuss robbing the  
11 apartment on Culver Road with anyone else?

12 A. Yes.

13 Q. Who did you discuss it with?

14 A. With Jose, a friend of ours.

10:19:21AM 15 Q. What was -- did you decide ultimately to do it?

16 A. Yes.

17 Q. What were you going to do?

18 A. Rob the drug and try to sell it and make money.

19 Q. Did you think you would get away with it?

10:19:47AM 20 A. Yes.

21 Q. Why did you think you would get away with it?

22 A. Because we were gonna go to another state.

23 Q. What state were you gonna go to?

24 A. New Jersey.

10:20:05AM 25 Q. All right. Can you tell us what happened? Did there come



1 a time where you actually broke into the apartment in  
2 Government's 95?

3 A. Yes.

4 Q. Tell us who you were with and what happened.

10:20:25AM 5 A. I was with Jose and we walked from Jose's house -- myself,  
6 Obed, and Jose -- and from behind of this building there's  
7 some houses.

8 And one street back there, I don't know the name of  
9 the street, Obed stay there and he kept walking to his house  
10:20:57AM 10 and we went -- Jose and I -- and we went inside the apartment.

11 Q. Why didn't Obed go with you?

12 **MR. VACCA:** Objection, Your Honor.

13 **THE COURT:** If he knows. Overruled.

14 **THE WITNESS:** Because he was saying that -- that we  
10:21:14AM 15 have to rent a car.

16 **BY MR. MARANGOLA:**

17 Q. What did you decide?

18 A. To do it.

19 Q. Okay. Now, at the time you decided to do it, did you have  
10:21:26AM 20 a key to the apartment?

21 A. No.

22 Q. Did you have a key to the apartment building itself?

23 A. No.

24 Q. All right.

10:21:39AM 25 **MR. MARANGOLA:** Judge, I'm going to be looking to

1 play some video. I don't know in the Court wishes me to  
2 continue.

3 **THE COURT:** Probably a good time for a break.

4 **MR. MARANGOLA:** Thank you.

10:21:46AM 5 **THE COURT:** Ladies and gentlemen, at this time we'll  
6 take a recess. In the meantime do not discuss the matter or  
7 allow anybody to discuss the matter with you. Jury may step  
8 down. We'll stand in recess.

9 (WHEREUPON, there was a pause in the proceeding).

10:51:46AM 10 (WHEREUPON, the defendant is present).

11 **THE COURT:** Bring the jury out.

12 (WHEREUPON, the jury is present).

13 **THE COURT:** You may proceed.

14 **MR. MARANGOLA:** Thank you, Your Honor.

11:00:37AM 15 **BY MR. MARANGOLA:**

16 Q. Mr. Aponte Camacho, you testified that when you went to  
17 this building to break in you were initially with Jose and  
18 Obed?

19 A. Yes.

11:00:53AM 20 Q. I'd like to show you what is not in evidence as  
21 Government's Exhibit 47. Do you recognize the person shown in  
22 Exhibit 47?

23 A. Yes.

24 Q. Who is in Exhibit 47?

11:01:12AM 25 A. Jose.

1 Q. Do you know Jose's last name is?

2 A. Ubiles.

3 Q. Does Government's Exhibit 47 fairly and accurately show  
4 the person you knew as Jose Ubiles?

11:01:40AM 5 A. Yes.

6 Q. And is this the individual that you went into the  
7 apartment at Culver Road with?

8 A. Yes.

9 **MR. MARANGOLA:** Offer Government's 47.

11:01:50AM 10 **MR. VACCA:** No objection, Your Honor.

11 **THE COURT:** Exhibit 47 will be received.

12 (**WHEREUPON**, Government's Exhibit 47 was received  
13 into evidence).

14 **BY MR. MARANGOLA:**

11:02:14AM 15 Q. Mr. Aponte Camacho, how did you get in the building at  
16 Culver Road when you and Jose and Obed went in?

17 A. Through the emergency stairs.

18 Q. What side of the building?

19 A. If you're facing the building, on the right-hand side.

11:02:38AM 20 Q. If you're facing the building from the front?

21 A. Yes.

22 Q. If we could show 95? Is the area you entered the building  
23 shown in 95?

24 A. Yes.

11:03:00AM 25 Q. Can you circle the general area? All right, you've

1 circled the right side of the brick building in the center of  
2 that photograph; is that right?

3 A. Yes.

4 Q. All right. If you can clear that mark? At this time I'd  
11:03:19AM 5 like to play the first clip from Government's 676 which has  
6 been received into evidence, first clip from the Culver Road  
7 video. Mr. Aponte Camacho, we've paused the video at -- the  
8 date is 12/7 of 2016. The time is 5:02 and 29 seconds a.m.

9 Did you have an opportunity to view this video before  
11:04:00AM 10 testifying?

11 A. Yes.

12 Q. Do you recognize what's shown in this video?

13 A. Yes.

14 Q. What does it show?

11:04:13AM 15 A. The part -- the area where the emergency stairs are.

16 Q. The emergency stairs where?

17 A. For the building.

18 Q. The building at what location?

19 A. On Culver.

11:04:30AM 20 Q. All right. If we can play? Mr. Aponte Camacho, can you  
21 tell us what we just observed in the video here? And the time  
22 stopped is December 7th, 2016, 5:03:00 a.m.

23 A. Myself and Jose.

24 Q. Where are you? You circled the person shown in the bottom  
11:05:27AM 25 right of the screen; is that correct?

1 A. Yes.

2 Q. And where is Jose? You've made a mark on the left side of  
3 the screen; is that correct?

4 A. Yes.

11:05:40AM 5 Q. All right. If you can clear those marks? Mr. Aponte  
6 Camacho, what did you do, you and Jose do after the portion of  
7 the video we just saw here, which is stopped at 5:03:10 a.m.?

8 A. We lowered the emergency exit -- I mean ladder, step --  
9 steps and we went up. There were like three rooms, like  
11:06:29AM 10 apartment, and we waited because there was people like in the  
11 kitchen.

12 We waited a while, we looked, when they weren't  
13 there we went to the next one. And we looked to the other  
14 one, when there was nobody we would walk and when we stop in  
11:06:59AM 15 front of the window there we waited awhile because in the next  
16 apartment there was a guy in the kitchen on the floor like  
17 sleeping in the kitchen floor.

18 We didn't want to hit the window quick because it  
19 was gonna make noise and they were gonna call the cop, so we  
11:07:30AM 20 wait until a car drove by, then we will make noise so that  
21 when the car drove by making noise, break the window at the  
22 same time so that the person that live in the apartment would  
23 not listen to it and they will not call the cop.

24 Q. When you said you were looking into these apartments, were  
11:07:57AM 25 you outside the building or inside the building?

1 A. Outside.

2 Q. Okay. So --

3 A. In the emergency ladder.

4 Q. And the person that was sleeping on the floor or appeared  
11:08:09AM 5 to be sleeping, that was not in the apartment that you were  
6 intending to break in?

7 A. Yes. Not the -- not inside the apartment that I was gonna  
8 go in.

9 Q. Okay. So what happened when the car drove by?

11:08:29AM 10 A. There we hit it with a hammer and we broke the pieces of  
11 glass with the hammer and we went in, Jose and I, and I went  
12 quickly and I opened the closet that I know where everything  
13 was, I picked up a Yankee bag that was there, that's where  
14 always was the packages that -- that they were gonna sell,  
11:09:03AM 15 that they were ready to sell and that bag they will bring it  
16 to Burbank to sell it.

17 So I took that bag and I pick up the other bag  
18 where I know that there was always -- where they will save the  
19 big drugs of heroin and I took that bag, I give that one to  
11:09:30AM 20 Jose, and we left running.

21 Q. All right. So what did you take from the apartment when  
22 you and Jose left?

23 A. A pistol, caliber .40 XD, and one kilogram and half of  
24 heroin, and packages that were ready to sell, and the two --  
11:10:01AM 25 and the two backpacks.

1 Q. Where was the .40 caliber handgun that you took? Where  
2 did you find that in the apartment?

3 A. In the small bag where there were the packages ready to be  
4 sold, that that was the bag that -- that they will bring to  
11:10:24AM 5 Burbank when somebody needed drugs to sell.

6 Q. Had you ever seen that .40 caliber handgun before the  
7 occasion where you broke into the apartment on December 7th,  
8 2016?

9 A. Yes.

11:10:39AM 10 Q. When you and Jose left the apartment with the backpacks --  
11 well, before you left did you notice whether there were  
12 anything else inside the apartment that you did not take?

13 A. That I knew there was the rifle like in a luggage, a big  
14 one, not like a luggage that you -- that they use for the  
11:11:13AM 15 airport. It's like a hard luggage that you open it like this  
16 and that's where all the rifles were.

17 Q. There were rifles in the apartment that you left?

18 A. Yes.

19 Q. All right. If we can show you Government's 614, which is  
11:11:34AM 20 in evidence? Do you see what's shown in Government's 614?

21 A. Yes.

22 Q. Were any of these the rifles that you observed in the  
23 Culver Road apartment in the early morning hours of December  
24 7th, 2016?

11:12:12AM 25 A. Yes.

1 Q. Which ones? And you've made circles around the top two  
2 rifles shown in that photograph as well as the wooden rifle in  
3 the bottom of that -- in the bottom of that bag; is that  
4 correct?

11:12:39AM 5 A. Yes.

6 Q. Why did you and Jose leave those firearms in the Culver  
7 Road apartment building before you left?

8 A. Because at that time outside was already cold and the  
9 ground was wet and the ladders were wet and that's very heavy  
10 that if we will take it, we could fall through the stairs.

11 Q. So what did you and Jose do with the backpacks with the  
12 heroin and the .40 caliber handgun that you testified about?

13 A. We took it on us and we started running to Jose's house  
14 and there we took everything out.

11:13:38AM 15 Q. All right. If you can hold on one second? I'd like to go  
16 to Government's Exhibit 676. If you can clear your marks  
17 while we're getting it up and go to that second clip. Do you  
18 recognize what's shown in this clip at 12/7 and 5:25 a.m.?

19 A. Yes.

11:13:59AM 20 Q. What is it?

21 A. The back side of the building.

22 Q. At where?

23 A. On Culver.

24 Q. Does this show the area that you and Jose ran after you  
11:14:15AM 25 stole the heroin and the gun?



1 A. Yes.

2 Q. And you viewed this before testifying, correct?

3 A. Yes.

4 Q. You see the two individuals running across the screen?

11:14:36AM 5 A. Yes.

6 Q. Do you recognize those two individuals?

7 A. Yes.

8 Q. Who are they?

9 A. Jose and I.

11:14:42AM 10 Q. What are you carrying?

11 A. The Yankee bag.

12 Q. What is Jose carrying?

13 A. The bag with the drugs, with the big heroin.

14 Q. And whose drugs were you taking from the apartment on

11:15:01AM 15 Culver Road that day?

16 **MR. VACCA:** Objection, Your Honor.

17 **THE COURT:** Overruled.

18 **THE WITNESS:** Javi's drug.

19 **BY MR. MARANGOLA:**

11:15:08AM 20 Q. All right. If we can play? All right, if you can pause

21 here? Thank you. Where did you go after you left the

22 apartment with Javi's drugs?

23 A. To Jose's house.

24 Q. Where was that?

11:15:29AM 25 A. On Parsell.

1 Q. Tell us what happened when you got to Jose's house on  
2 Parsells with what you took from the Culver Road apartment.

3 A. We took the drug out, I took the small pistol that was in  
4 the pocket, I put it on me, I took the packages out, I told  
11:15:56AM 5 Jose and his brother that they had to go and wake up Obed  
6 because he left to his house, and it was already 5 something  
7 in the morning and they were they ones they were selling, they  
8 were gonna go up always at 6 a.m. to get material, that is the  
9 drug, to sell on Burbank.

11:16:35AM 10 So when they were -- when they went up -- when they  
11 were gonna go up and they were gonna see that the window was  
12 broken and there was stuff missing, they was gonna go and look  
13 for Obed because Obed and I knew about that apartment.

14 Q. Is that why you told somebody to go get Obed?

11:17:05AM 15 A. Yes.

16 Q. What happened after -- after that?

17 A. When they -- when they came back, Jose and his brother,  
18 they told me that he never came out. That they knock on the  
19 door, they call him through the window, and he never came out.

11:17:30AM 20 So there I said that -- that it was gonna be 6  
21 already, that they were gonna go up there and they were gonna  
22 notice that they got robbed and I took the backpack and I left  
23 from Jose's house to a female friend there on Parsell.

24 Q. What did you take when you left for the female friend's  
11:18:00AM 25 house on Parsells?

1 A. The pistol XD, the .40; and one kilogram and a half of  
2 heroin; and the packages that they were ready to sell.

3 Q. Were they in the same backpack that you took from the  
4 apartment?

11:18:24AM 5 A. No.

6 Q. What did you have them in?

7 A. The packages that were ready to sell they were in the  
8 Yankee bag and the packages of the big drugs it was in another  
9 bag, but when we arrive at the house I took it out and I put  
11:18:45AM 10 it in my barber bag, like a backpack. I put it all in there.

11 And from there I went to my friend on Parsell and I  
12 was supposed to wake up to call Obed like around 6 a.m. before  
13 they were gonna go up there, the ones they were gonna get  
14 drugs. So I fell asleep and when I woke up it was 11 in the  
11:19:20AM 15 morning.

16 So I asked my friend for the phone because mine the  
17 battery was dead, so she let me borrow her phone and I went on  
18 messenger, on Facebook, and as soon as I press accept a  
19 messenger I had a bunch of missed calls and a bunch of  
11:19:50AM 20 messages from Jose and right there Jose called me and my  
21 friend looked at me like -- like damn, they're calling you  
22 already so fast, you just went in.

23 And when I answer Jose told me that Javi went to  
24 his house, that they have my sister and my little nephew and  
11:20:19AM 25 Karina and Obed also, that I had to return everything, that he

1 already knew that it was me, that he had my picture on the  
2 camera and he asked me where I was and I told him that I was  
3 already far and I hang up.

4 Q. That conversation was with who?

11:20:44AM 5 A. With Jose.

6 Q. What did you do after you hung up with Jose?

7 A. There I took the bus, the first bus -- the first bus that  
8 I was gonna take I missed it and I took the second one that it  
9 was, if I'm not mistaken, around 2 p.m., there I went to my  
10 mom's house at 151 Van Aucker -- 150 Van Aucker and I look in  
11 the parking lot first when I got out.

12 Q. Do you see what's on your screen as Government's 103?

13 A. Yes.

14 Q. What -- do you recognize what's shown in that photograph?

11:21:39AM 15 A. Yes.

16 Q. What is it?

17 A. That's 150 Van Aucker where my mom used to live.

18 Q. Is that where you went after hanging up the phone with  
19 Jose?

11:21:52AM 20 A. Yes, but I got off the bus because the bus goes from  
21 behind the building. So I got out, I walk from the back side,  
22 I look at the parking lot to see if I will see one of Javi's  
23 car or from one of the guys that work with him, with us , and  
24 because I didn't see anybody I went up, I went to the  
11:22:28AM 25 apartment, I went to floor 11, that there was an old guy from

1 Somalia lived there that I knew him because I always smoke  
2 marijuana with him, so I wanted to go to his apartment and  
3 there -- from there call somebody to take me to New Jersey  
4 because nobody was gonna know that I was -- that I was on his  
11:23:02AM 5 house -- of that old guy from Somalia.

6 But when I knock on the door he wasn't there, so I  
7 went down to my mom's apartment and when I opened the door,  
8 when my mom saw me she asked me quickly what's going on?  
9 Because she see me very nervous and she grabbed my face and  
11:23:33AM 10 she asked me if I got into a fight, that what was going on  
11 because she knows me and she see me very nervous.

12 And I ask her if she talked to my sister and she  
13 say no. So I went to the bedroom, I took the bag with me, I  
14 put it next to me on the floor, I asked my mom for her phone  
11:24:04AM 15 and I went on Facebook and I text at my sister and never  
16 answer.

17 So I texted her phone and I ask her what she was  
18 doing and she told me that she had a headache, that she will  
19 talk to me later.

11:24:30AM 20 So there I understood that somebody had the phone,  
21 that Javi had the phone or one of the person that Jose told me  
22 that had my sister. So I wrote to my sister like if I was my  
23 mom and I told her that the cop came to my house to look for  
24 me because I have a warrant for breaking the glass of Karina's  
11:25:08AM 25 mom, that that's the mother of my kid.

1                   So Javi, he knew that I had that warrant, so I  
2                   texted it that way so if they have my sister at the house they  
3                   will leave and they will leave her thinking that the cops were  
4                   gonna go over there.

11:25:34AM 5       Q.    Now, so you communicated from your mom's phone to your  
6                   sister's phone?

7       A.    Yes.

8       Q.    And you said you had an outstanding warrant for you for  
9                   breaking glass?

11:25:51AM 10     A.    Yes, for breaking the glass -- the windows of the car of  
11                   my mother-in-law.

12     Q.    Of Karina's mom's?

13     A.    Yes.

14     Q.    What's her name?

11:26:06AM 15     A.    Carmen.

16     Q.    Do you know her last name?

17     A.    Delvalle.

18     Q.    After communicating to your sister from your mom's phone  
19                   what did you do?

11:26:28AM 20     A.    I left my mom's apartment and my mom told me not to leave,  
21                   that what's going on. And I told her that nothing, that I was  
22                   gonna leave. So I left -- I went out my mom's apartment and I  
23                   went up through the emergency stairs to the 11th floor again  
24                   to see if the old guy from Somalia was there to stay in his  
11:27:00AM 25     apartment and nobody was gonna know that I was there.

1 But when I went, he wasn't there either. So I went  
2 back to the stairs again and when I was on 5th floor I saw my  
3 friend that work with me at the barber shop and there I call  
4 him in the emergency stairs like when you're gonna go in like  
11:27:30AM 5 to the hallway, it has like a small square glass and I have a  
6 hoodie on and a snow mask.

7 When I call him he didn't want to come in like he  
8 will look at me and will do -- and he will look to the side to  
9 see if I was looking at another person. And I keep making him  
11:28:01AM 10 signs to come in and he stay there in the door with the key  
11 until I lowered my face mask. When he saw that it was me,  
12 then he walked to me very quickly and he asked me what's going  
13 on?

14 And I told him that I did a hit of a big one, that  
11:28:26AM 15 I had the bag, a bunch of money, whatever I have in the bag,  
16 that it was a lot of money. So he told me but what do you  
17 want to do? And I told him that I needed a place to stay,  
18 that I needed to leave Rochester, that I have people looking  
19 for me, that they were gonna kill me.

11:28:52AM 20 So he told me but is it for real? And I took the  
21 pistol out and I say yes, say, yes, I'm not joking. And he  
22 told me that's fine, go from the back of the building and I'm  
23 gonna wait for you at the light and there you can leave to my  
24 house with me.

11:29:15AM 25 Q. Who is the friend who was -- you had this conversation

1 with?

2 A. Menor.

3 Q. You just testified to --

4 A. I told him what I had in my bag, it was a lot of money,  
11:29:41AM 5 like it will cost a lot of money.

6 Q. Did you have cash in your bag or no?

7 A. No.

8 Q. What did you have in your bag that you were referring to  
9 that would cost a lot of money?

11:29:56AM 10 A. Kilo and a half of heroin and a bunch of packages of  
11 heroin.

12 Q. After Menor -- after you had that conversation with Menor  
13 what did you do?

14 A. There he waited for me at the light, I went inside his van  
11:30:18AM 15 with him.

16 Q. What did the van look like?

17 A. A white.

18 Q. Was it a big van or a small van?

19 A. Small one.

11:30:28AM 20 Q. What happened after he picked you up in the small white  
21 van?

22 A. There I went to Miller to his house and I stayed the night  
23 there with him. So he left like around -- maybe like around  
24 10 p.m. at night, that he said he was gonna see one of his  
11:30:57AM 25 girlfriend.



1 Q. All right. I have 248 in evidence on the screen there. Do  
2 you recognize what's shown there?

3 A. Yes.

4 Q. What's that?

11:31:10AM 5 A. The house where I went with Menor on Miller Street.

6 Q. You went there the same day you took the heroin and the  
7 gun from the apartment on Culver Road?

8 A. Yes.

9 Q. All right. What happened after -- that's the place Menor  
11:31:27AM 10 took you to in the white van?

11 A. Yes.

12 Q. What happened after you went into that house?

13 A. So I stay there, I took the drugs from my bag and I put it  
14 in a bag that Menor had. Like around 10 p.m. Menor left to  
11:31:56AM 15 see a friend, one of his girlfriend, and he asked me if I  
16 wanted to go with him and I say no, that I wanted to stay  
17 there, that I was more safe there. Nobody knew that I was  
18 there. So I fell asleep. And in the morning --

19 Q. Hold on a second. Before Menor left what was your plan?

11:32:27AM 20 A. Take the drug, go to New Jersey and sell it, and later go  
21 to Florida.

22 Q. Was Menor going to help you do that?

23 A. Yes.

24 Q. What did you discuss with Menor about that?

11:32:47AM 25 A. I told him -- I told him before in the apartment when we

1 were at Van Aucker that if he will help me, I was gonna give  
2 him money. So when we arrive at the house that I took the  
3 drug out, he told me -- he said, damn, how much are you gonna  
4 give me from this? And like how much of money is in here?

11:33:22AM 5 And I told him that there was like \$150,000 and  
6 that we were gonna go half and half.

7 Q. When you say \$150,000, what did you tell -- what did you  
8 believe was worth \$150? I'm sorry, \$150,000?

9 A. The kilogram and a half of heroin and all the packages  
11:33:46AM 10 that they were there from heroin.

11 Q. All right. So you fell asleep that night and Menor left to  
12 a female's house?

13 A. Yes.

14 Q. So what happened the next morning December 8th, 2016?

11:34:03AM 15 A. So when I woke up in the morning I went took a shower, it  
16 was like -- like 9 or 10 or 10:30 in the morning. So when I  
17 got out of the shower I got dressed, I went to the kitchen, I  
18 opened the refrigerator, I took a juice, like a diet -- like a  
19 chocolate diet --

11:34:36AM 20 Q. Let me ask you this: Did there come a time when someone  
21 came over that morning?

22 A. Yes.

23 Q. Tell us what happened then.

24 A. So when I was coming from the kitchen Menor arrive and you  
11:34:53AM 25 can hear the music from his van. So the fat guy that was with

1 me in the house, it was a friend of Menor, he told me that  
2 that was Menor, that that's music from the car.

3 So when I walked to the door, that I looked, I saw  
4 the van parking on the driveway, so I opened the bedroom door  
11:35:24AM 5 to look and make sure nobody was following him. And when I  
6 looked through the window I saw Tapon, Cabra and Obed parked  
7 in a green Honda and they got out with pistols and I grabbed  
8 the pistol, I -- I charged it, and I started shooting through  
9 the window.

11:35:57AM 10 Q. When you say you charged it, describe what you did. For  
11 the record you just made a gesture holding up your hand,  
12 sliding one hand toward the back of your other hand; is that  
13 right?

14 A. Yes, yeah, so the bullet will go up.

11:36:16AM 15 Q. Did you know if there were bullets in that gun when you  
16 did that?

17 A. Yes.

18 Q. All right. What happened when you slid the top of your gun  
19 back to put bullets in the gun?

11:36:33AM 20 A. So I shot through the window and I saw one of the -- one  
21 of the ones that got out of the car, that he ran like -- it  
22 looked like -- it looked like if he was running to inside the  
23 house, so I ran to the door and I shot through the door.

24 Q. All right. Do you see the window that you first shot out  
11:37:01AM 25 of in Government's 248?

1 A. Yes.

2 Q. Can you circle that window? All right. And you were in --  
3 what's on the other side of that window?

4 A. There's another window.

11:37:23AM 5 Q. No, not next to it. On the other side of that window,  
6 what room is it?

7 A. The door.

8 Q. Can you clear your marks? Circle the window that you shot  
9 out of. What room is that?

11:37:42AM 10 A. The bedroom where I shot through.

11 Q. All right. And you circled the window to the left on the  
12 front with two holes on the left frame; is that correct?

13 A. Yes.

14 Q. All right. And you said you went from there toward -- and  
11:37:59AM 15 started shooting out of the door?

16 A. Yes, the door was closed and I shot through the door.

17 Q. From inside out?

18 A. Yes.

19 Q. Can you circle the door area that you shot from inside  
11:38:17AM 20 out? All right. If you can clear your marks? As this  
21 happened tell us what else was happening.

22 A. So when I shot, the fat guy that was inside the house, he  
23 told me what are you doing? That some crazy, that that was  
24 Menor. And I told him no, those are some people that they're  
11:38:50AM 25 coming to kill me to take the bag that I robbed.

1                   He say no, no, that's Menor and I say -- I said  
2 motherfucker, there's somebody there in the front that just  
3 arrived and they have pistols and they're gonna kill me  
4 because I stole the drug that I took. So there he kind of  
11:39:19AM 5 like reacted and he told me you're crazy, they have to kill me  
6 first.

7                   So there when we were talking Menor opened the door  
8 because he had a key, so there he told me -- said  
9 motherfucker, those people asked me if you were here, pack  
11:39:49AM 10 everything, hurry up, get your shoes on, we got to leave, pick  
11 up everything. Because there was a few bullet caskets on the  
12 floor. So I picked up what I saw.

13 Q. What did you pick up?

14 A. The bullet --

11:40:16AM 15 Q. Casing?

16 A. Casing, yes. So I picked up a few that I saw and I flush  
17 them through the toilet.

18 Q. Where did the casings come from?

19 A. From the pistol that I shot, the bullet.

11:40:34AM 20 Q. Were they the bullets that you shot out of the gun?

21 A. Yes.

22 Q. Do you know the difference between a bullet and a casing?

23 A. Yes.

24 Q. What did you pick up?

11:40:54AM 25 A. The casing, empty -- the metal empty.

1 Q. The empty metal casing?

2 A. Yes.

3 Q. How many of those did you pick up, do you remember?

4 A. I don't remember exactly how many.

11:41:13AM 5 Q. What did you do after you flushed them down the toilet?

6 A. So I ran to the living room again and Menor was gonna open  
7 the door to get out and I told him go, go, hurry up. And he  
8 told me see, no, no, don't go through here through the front  
9 because there's two on one side and one in another side.

11:41:45AM 10 So he told me to get out through the back through  
11 the back door and to jump a fence that was there. And there  
12 was like a parking lot that it was -- they will come out close  
13 to Goodman and that he was gonna pick me up there.

14 At that moment I didn't know how they arrived at  
11:42:17AM 15 the house.

16 Q. How who arrived at the house?

17 A. Cabra, Tapon and Obed. So I was thinking that he -- that  
18 he set me up.

19 Q. That who set you up?

11:42:33AM 20 A. Menor. I was thinking.

21 Q. Had you told anyone you were going to be at 54 Miller?

22 A. No.

23 Q. Had you told anyone you were going to be on Miller Street?

24 A. No.

11:42:47AM 25 Q. So you thought -- what did you do after you thought Menor

1 may have set you up?

2 A. I told him to not set me up and he told me that no, no, to  
3 get out through the back and that he was gonna pick me up  
4 there in the parking lot close to Goodman.

11:43:17AM 5 So I went out through the back door, I did like  
6 three steps forward, and I changed my mind and I went back in  
7 the house because I was thinking that he was setting me up.

8 Q. Did you see Menor leave 54 Miller?

9 A. Yes.

11:43:39AM 10 Q. Where did you see him go?

11 A. Like through this side here. If you're looking from the  
12 living room he took the right -- through the right side.

13 Q. If you're looking at 54 Miller from the street as is shown  
14 in Government's 48, can you draw an arrow and show us the  
11:44:09AM 15 direction that you saw Menor go?

16 A. This side.

17 Q. Can you put an arrow on the direction so we know which  
18 direction you saw him go? For the record, you've placed an  
19 arrow on the left side of Government's 248 facing the left  
11:44:28AM 20 side; is that correct?

21 A. Yes.

22 Q. That was the direction of travel you saw Menor go?

23 A. Yes.

24 Q. Can you tell us, Mr. Aponte, do you remember if Miller

11:44:43AM 25 Street has got traffic in both directions or one direction on

1 it?

2 A. A one way.

3 Q. And what's the direction of traffic on Miller Street? Can  
4 you show us on Government's 248?

11:45:03AM 5 A. It's supposed to go this way.

6 Q. And you've drawn an arrow in the center of the photograph  
7 pointing to the right of 54 Miller; is that correct?

8 A. Yes.

9 Q. All right. After you saw Menor's vehicle go the opposite  
11:45:21AM 10 way of traffic on Miller Street, what did you do? If you can  
11 clear your marks, too, please?

12 A. I closed the front door because when they left quick they  
13 left it open, so I closed the door and I ran to the back side,  
14 I closed the back door with a lock and a small door that was  
11:45:54AM 15 there, I locked that one, too.

16 And I ran to the front bedroom through where I  
17 shot. So when I looked through the window I saw Tapon and  
18 Cabra saying go, go, hurry up, that the cops are coming, go  
19 in. And they left.

11:46:20AM 20 Q. Did you see what direction Tapon and Cabra left?

21 A. Yes.

22 Q. What direction? You've drawn an arrow on the right side  
23 of the photograph pointing to the right; is that correct?

24 A. Yes.

11:46:35AM 25 Q. That's the same direction as the one way traffic on Miller



1 Street?

2 A. Yes.

3 Q. Did you see what happened to Obed?

4 A. No.

11:46:49AM 5 Q. All right. If you can clear your marks? Tell us what  
6 happened after you saw Cabra and Tapon leave.

7 A. So there I saw like -- like -- like the front part of the  
8 police car, that the car parked next to the house.

9 Q. What car parked next to the house?

11:47:21AM 10 A. The police car.

11 Q. You saw the police car park in front of 54 Miller?

12 A. Yes.

13 Q. And how quickly did the police arrive at 54 Miller after  
14 Tapon left?

11:47:46AM 15 A. Right there, like seconds. He's leaving and the police is  
16 parking.

17 Q. All right. When the police arrive where were you?

18 A. In the front bedroom.

19 Q. Of 54 Miller?

11:48:02AM 20 A. Yes.

21 Q. Was there anyone else inside?

22 A. No.

23 Q. Now, you indicated that Menor had been in the house before  
24 he left?

11:48:12AM 25 A. Yes.

1 Q. And there was another person -- I think you referred to  
2 him as a fat guy?

3 A. Yes.

4 Q. Do you know his name or know who he was?

11:48:22AM 5 A. No, I seen him a few times in the barber shop and that  
6 time with Menor.

7 Q. Where did he go?

8 A. With Menor.

9 Q. He was in Menor's white van when they left?

11:48:39AM 10 A. Yes.

11 Q. All right. What happened after the cops arrived at 54  
12 Miller?

13 A. I get out of the bedroom, I closed the door and I closed  
14 some shades that there were in the living room and I close a  
11:49:01AM 15 small shade that was -- where there were the sink.

16 And there I took the pistol, I cleaned it, I took  
17 my fingerprints off, and I put it under a mattress that was  
18 there. And when the police was knocking on the door I took  
19 the bag off and I threw it through a bedroom that was there,  
11:49:34AM 20 not in the front bedroom, another bedroom.

21 Q. What happened after that? Did the police come into the  
22 house?

23 A. Yes, the police went inside the house and they arrested  
24 me.

11:49:50AM 25 Q. Okay. At the time the police arrested you, you had been at

1 Miller Street since when?

2 A. Since the day before.

3 Q. All right. If we can show you first actually 284, Your  
4 Honor, which is in evidence. We'll go to approximately 3:07  
11:50:32AM 5 in the clip. Mr. Aponte Camacho, do you recognize what's  
6 shown in this portion of the clip which is at 10:46:40 on  
7 December 8th, 2016?

8 A. Yes.

9 Q. What do you recognize shown in this clip?

11:51:04AM 10 A. Miller Street where I was where they arrested me.

11 Q. Can you circle the general area where you were arrested by  
12 the police on Miller Street on December 8th, 2016? All right.  
13 And if we can keep playing? What do you see happening there?

14 A. The police arrive.

11:51:40AM 15 Q. All right. We can pause it. If you can clear your mark?  
16 I'd like to show you some photos. Starting with Government's  
17 248, that's the house you were still in when the police  
18 arrived on Miller Street?

19 A. Yes.

11:52:11AM 20 Q. I'd like to show you Government's 249, which is in  
21 evidence as well. Do you recognize what's shown there?

22 A. The glass of Menor's van.

23 Q. Now, did you shoot the glass out of Menor's van?

24 A. I didn't see if I shot at it.

11:52:44AM 25 Q. Well, did you intend to shoot the window out of Menor 's

1 van?

2 A. No.

3 Q. When you first shot -- started shooting out of the bedroom  
4 at Miller Street, describe how you were shooting for the jury.

11:53:09AM 5 A. Their car, it was like in front of the window. So when I  
6 shot through the window, that I saw that one of the person  
7 that got out started running this side, I shot like in this  
8 direction.

9 Q. All right. So you made a few marks here. You saw a  
11:53:31AM 10 person running along the driveway. Is that where you made the  
11 mark in the middle?

12 A. Yes, like if it was running through here.

13 Q. Okay.

14 A. Like if he was gonna go inside through the door.

11:53:44AM 15 Q. At the time you started shooting what was in the driveway  
16 in the area where that red line you made was?

17 A. Can you repeat the question?

18 Q. Yeah. You see the red line on the driveway you made?

19 What was there at the time you started shooting?

11:54:02AM 20 A. Menor's van.

21 Q. And it was -- do you recall what direction it was parked  
22 in?

23 A. Like the bumper of the van, like here, the front bumper.

24 Q. I didn't see. Was it parked straight in or backed in, do  
11:54:36AM 25 you remember?

1 A. Front.

2 Q. Front closest to the house or closest to the street?

3 A. The front close to the house.

4 Q. Okay. And that's where it was when you started shooting?

11:54:48AM 5 A. Yes.

6 Q. Who were you shooting at?

7 A. To the people that -- that got out of the car.

8 Q. That got out of what car?

9 A. Of the green Honda, that it was Cabra, Tapon and Obed.

11:55:05AM 10 Q. So that's who you were shooting at?

11 A. Yes.

12 Q. When -- you were not shooting at or intending to shoot at  
13 Menor's white van?

14 A. No.

11:55:19AM 15 Q. All right. If we can go to Government's 250? And 251. Do  
16 you see the damage in the window, the holes in the frame shown  
17 on the window in Government's 251?

18 A. Yes.

19 Q. All right. Is that the window that you shot out of when  
11:55:48AM 20 you shot at Tapon and Cabra?

21 A. And Obed, yes.

22 Q. And Obed. And just so we're clear, you're shooting from  
23 inside the house outside of the house; is that right?

24 A. Yes.

11:56:03AM 25 Q. Okay. We can go to 252. Does Government's 252 show the

1 doorway that you shot out of as well?

2 A. You're asking me where was the door?

3 Q. Does it show the doorway that you shot out of?

4 A. Yes.

11:56:28AM 5 Q. And at the time you shot out of it, the door was open or  
6 closed?

7 A. Close.

8 Q. Where were you at the time you shot out the closed door?

9 A. Behind the door.

11:56:44AM 10 Q. Do you see the area where you were in Government's 252?

11 A. Yes.

12 Q. Can you touch the screen and show us where you were?

13 A. Like here.

14 Q. You made a mark on the couch there shown in Government's  
11:57:02AM 15 252?

16 A. Yes.

17 Q. All right. You can clear your mark. And go to

18 Government's 253. Do you recognize what's shown in

19 Government's 253?

11:57:25AM 20 A. Yes.

21 Q. What area is shown in this photograph?

22 A. The living room.

23 Q. Do you see the mattress on the right side of this  
24 photograph?

11:57:38AM 25 A. Yes.

1 Q. What was the condition of that mattress at the time the  
2 police came in?

3 A. The mattress was on the floor.

4 Q. Had you moved the mattress?

11:57:58AM 5 A. No. I lift up the mattress to put the pistol under it.

6 Q. The --

7 A. But the police lift it up.

8 Q. All right. The mattress had already been on the floor?

9 A. Yes.

11:58:13AM 10 Q. Before you hid the gun under it?

11 A. Yes.

12 Q. Why did you hide the gun under the mattress before the  
13 police came in?

14 A. So that they would not catch me with it.

11:58:31AM 15 Q. All right. Show you Government's 254. Do you recognize  
16 what's shown next to the water bottles in 254?

17 A. Yes.

18 Q. What is it?

19 A. The pistol that I stole from Culver.

11:58:49AM 20 Q. 255. And 256. The -- oh, and also, I'm sorry, 263. You  
21 see the pistol and the clip in Government's 263?

22 A. Yes.

23 Q. That's the same one we've seen on the floor inside of 54  
24 Culver (sic)?

11:59:39AM 25 A. Yes.

1 Q. How do you recognize it as the same one that you stole  
2 from the apartment on Culver?

3 A. Because I had it with me, I had it all day and it's a 40  
4 XD.

12:00:03PM 5 Q. All right. If we can go to Government's 257? Do you  
6 recognize what's shown in Government's 257?

7 A. Yes.

8 Q. What's in 257?

9 A. The bag where I put the drug in.

12:00:20PM 10 Q. And whose backpack was that?

11 A. Menor.

12 Q. And before the police got there what was in that bag?

13 A. All the drugs, the drug that I stole from Culver.

14 Q. And if we can put up 258, please? You recognize what's  
12:00:49PM 15 shown in Government's 258?

16 A. Yes.

17 Q. What's in Government's 258?

18 A. The drug -- Javi's drug that I stole from Culver.

19 Q. Were those in the backpack that we had just seen?

12:01:08PM 20 A. Yes.

21 Q. All right. Can you circle the items that had -- you said  
22 there were packages of drugs for sale already when you stole  
23 them from Culver?

24 A. Yes.

12:01:25PM 25 Q. Can you circle those in Government's 258? And you've



1 circled three bags: One containing plastic bags on the bottom  
2 of the center photograph; another bag above it with some black  
3 plastic bags and white plastic bags; and then a bag to the  
4 left with some smaller white plastic bags; is that correct?

12:02:01PM 5 A. Yes.

6 Q. Do you recognize anything else in this photograph?

7 A. Yes.

8 Q. Circle what else you recognize and tell us what it is.

9 What do you recognize those three items that you circled to  
10 be?

11 A. The bag where I put the drugs and the two big bags of  
12 heroin that I stole.

13 Q. And the bag that you put the drugs is circled at the top  
14 of the photograph in black; is that correct?

12:02:38PM 15 A. Yes.

16 Q. And then the other two bags were the ones you just marked  
17 afterward?

18 A. Yes.

19 Q. And you said two big bags of drugs. Did you know what  
12:02:48PM 20 drugs you took from the apartment on Culver?

21 A. Yes.

22 Q. What drugs did you take?

23 A. Heroin and there was packages of cocaine already in little  
24 bags ready to sell, and little bags of heroin also in bags  
12:03:19PM 25 ready to sell.

1 Q. If you can clear your marks and we can go to 259. Is that  
2 a close-up of the bags of heroin and cocaine that you just  
3 described?

4 A. Yes, and I see of the heroin, but I don't see the cocaine  
12:03:44PM 5 one.

6 Q. Okay. If we can go now to Government's 262? You recognize  
7 anything in Government's 262?

8 A. Yes.

9 Q. Circle what you recognize and describe it for us. You  
12:04:10PM 10 circled a large black and green backpack in the center of that  
11 photograph?

12 A. Yes.

13 Q. What do you recognize that to be?

14 A. That was my bag where I have all my hair clippers to give  
12:04:26PM 15 hair cut and where I first had the drugs when I went to the  
16 house. And this are the guards for the machine, here is a  
17 trimmer that I use for hair cut, and this is some of my  
18 clothes.

19 Q. All right. For the record you circled an item in the  
12:04:56PM 20 center of that backpack, a small circle in the middle with  
21 some plastic black and a purple black guard, as well as a  
22 circle on the right side of that photograph with another clip,  
23 and some type of machine in the black; is that right? Hold  
24 on, stop making marks. Hold on.

12:05:25PM 25 Finally, the big circle on the bottom right of this

1 photograph, what did you circle there?

2 A. That's the clothes that I have inside the bag.

3 Q. All right. Are those clothes yours?

4 A. Yes.

12:05:40PM 5 Q. All right. And if you can -- then finally I guess you  
6 circled another thing in the center of the black and green  
7 bag. Can you just touch it without making more marks --  
8 without circling it and tell us what that is. Okay, you've  
9 touched the center of that bag, a silver and green object  
10 there?

11 A. Yes.

12 Q. What is that?

13 A. A scale that I stole, that it was in the bag that I stole  
14 the drug.

12:06:12PM 15 Q. In the bag with the drugs at Culver?

16 A. Yes.

17 Q. Okay.

18 **MR. MARANGOLA:** Judge, if I can approach the witness  
19 with a couple of exhibits?

12:06:35PM 20 **THE COURT:** Yes.

21 **BY MR. MARANGOLA:**

22 Q. Mr. Aponte Camacho, can you take that? And take those.  
23 I've handed you Government's Exhibit 292 and 293. Do you  
24 recognize what those are?

12:07:34PM 25 A. Yes.

1 Q. What are Government's 292 and 293?

2 A. Javi's drug that I stole from Culver.

3 Q. If you can clear your marks? And we can go to back to

4 258. Do you see the exhibits on your ledge there marked

12:08:05PM 5 Government's 292 and 293 in the photograph marked 258?

6 A. Can you repeat the question?

7 Q. Yes. Do you see the two bags in front of you that are

8 marked Government's 292 and 293 inside the photograph marked

9 258?

12:08:28PM 10 A. Yes.

11 Q. Can you touch each of them on the screen? All right.

12 **MR. MARANGOLA:** May I show the witness two more  
13 exhibits, Judge?

14 **THE COURT:** Yes.

12:09:25PM 15 **BY MR. MARANGOLA:**

16 Q. I'm going to hand you Government's 294 and 296. Do you  
17 recognize Government's 294 and 296?

18 A. Yes.

19 Q. Do you see each of the exhibit stickers on those bags?

12:09:52PM 20 A. Which sticker? Which one?

21 Q. On the two bags that I just handed you, one of them has a  
22 sticker that says 294 and the other has 296.

23 A. I see a sticker but I don't know where it says -- oh,  
24 okay, I already see it. Yes.

12:10:20PM 25 Q. Do you see the one marked 294?

1 A. Yes.

2 Q. What do you recognize -- first of all, do you recognize  
3 the bag inside Government's 294?

4 A. Yes.

12:10:33PM 5 Q. What do you recognize inside the bag marked Government's  
6 294?

7 A. They're the packages that we will do -- what we were gonna  
8 sell and they're the packages that I stole from Culver from  
9 Javi.

12:10:53PM 10 Q. How do you recognize them as the same packages that you  
11 stole from Javi at Culver Road?

12 A. Because they look the same -- they look the same like the  
13 ones that were in the picture when I was arrested.

14 Q. Take a look at Government's 296, the larger bag next to  
12:11:18PM 15 it. Do you see 296?

16 A. Yes.

17 Q. What's in Government's 296?

18 A. Little bags of heroin and there's other bags, but -- but I  
19 can't tell very good.

12:11:54PM 20 Q. Do you see a Government's exhibit sticker on that bag?

21 A. Yes.

22 Q. So we're clear, what is the number on that?

23 A. 296.

24 Q. 296, all right. Can you take a look at the other bag  
12:12:12PM 25 marked 294? And hold it up so I know which bag you're

1 referring to. Do you recognize what's in Government's 294?

2 A. Yes.

3 Q. What do you recognize it to be?

4 A. Heroin, packages of heroin.

12:12:37PM 5 Q. Have you ever seen those before?

6 A. Yes.

7 Q. Where did those come from if you know?

8 A. I don't understand very good the question.

9 Q. Do you recognize what's in Government's 294?

12:12:57PM 10 A. Yes.

11 Q. Where do you recognize them from?

12 A. Because I stole it from Culver.

13 Q. Do you see the black plastic bags in there?

14 A. Yes.

12:13:09PM 15 Q. Had you seen those before you stole them from Culver?

16 A. Yes.

17 Q. What had you seen inside the black plastic bags that's in  
18 that Government Exhibit there before you stole it from Culver?

19 A. Bags of heroin.

12:13:28PM 20 Q. How many would be in one of those black plastic bags?

21 **MR. VACCA:** Objection.

22 **THE COURT:** Overruled. Go ahead.

23 **THE WITNESS:** Ten little bags. In one of the black  
24 bag there was gonna be ten little bags of heroin.

12:13:48PM 25 **BY MR. MARANGOLA:**

1 Q. What would the little black bags be packaged in?

2 A. In a bigger clear bag that there was gonna be ten little  
3 black bags inside of the clear bag.

4 Q. Do you recognize any of the bags in that exhibit in front  
12:14:12PM 5 of you? Any of the specific bags themselves?

6 A. Yes.

7 Q. What about the bags do you recognize?

8 A. The stamp that says blue magic.

9 Q. How do you recognize that blue magic stamp?

12:14:37PM 10 A. Because -- because I packaged it before and I have put the  
11 stamp before.

12 Q. You put the blue magic stamp on bags before?

13 A. Yes, when I was working the table.

14 Q. What did you put the blue magic stamp on? What type of  
12:15:01PM 15 bags?

16 A. In small little blue bags.

17 Q. For what drug?

18 A. Heroin.

19 Q. All right.

12:15:26PM 20 **MR. MARANGOLA:** Your Honor, for the record I have  
21 Government's Exhibit 286 which had previously been received as  
22 a firearm.

23 **THE COURT:** Yes.

24 **MR. MARANGOLA:** This has got a zip tie through it,  
12:15:36PM 25 it has been checked and it is safe. I was going to show it to

1 the witness. May I use the camera here?

2 **THE COURT:** Yes.

3 **MR. MARANGOLA:** Thank you.

4 **THE COURT:** Members of the jury, Exhibit 286 has  
12:15:47PM 5 been rendered safe for display in the courtroom.

6 **BY MR. MARANGOLA:**

7 Q. Mr. Aponte Camacho, can you see what's on your screen  
8 there and it's been received as Government's 286?

9 A. Yes.

12:16:17PM 10 Q. Do you recognize that item?

11 A. Yes.

12 Q. What do you recognize it to be?

13 A. The pistol that I robbed -- that I stole from the building  
14 on Culver.

12:16:33PM 15 Q. All right. And that's what you were arrested with at  
16 Miller Street; is that correct?

17 A. Yes.

18 Q. How do you recognize the pistol here as the same one that  
19 you stole from Culver?

12:16:45PM 20 A. Because it's a 40 XD and I had it all the time, I had it  
21 all day the day before I got caught.

22 Q. All right.

23 **MR. MARANGOLA:** If I can collect those?

24 **THE COURT:** Yes.

12:17:17PM 25 **MR. MARANGOLA:** Thank you.



1           **THE COURT:** Members of the jury, I think it's a good  
2 time to take a recess, so we'll take a recess. In the  
3 meantime, I'd ask you not discuss the matter or allow anybody  
4 to discuss the matter with you. Jury may step down, we'll  
12:17:41PM 5 stand in recess for about 20 minutes.

6           **(WHEREUPON,** there was a pause in the proceeding).

7           **(WHEREUPON,** the defendant is present).

8           **THE COURT:** You may continue. Bring the jury in.

9           **(WHEREUPON,** the jury is present).

12:54:06PM 10          **THE COURT:** You may continue.

11          **MR. MARANGOLA:** Thank you, Your Honor.

12          **BY MR. MARANGOLA:**

13          Q. If we can play Government's Exhibit 284 which has been  
14 received into evidence? It's the Miller Street compilation  
12:54:42PM 15 DVD. Do you have that up on your screen, Mr. Aponte Camacho?

16          A. No.

17          Q. Do you have it now?

18          A. Yes.

19          Q. Okay. If we can pause it here? We've paused it at  
12:55:07PM 20 approximately 7 seconds in. Mr. Aponte Camacho, do you first  
21 recognize that intersection?

22          A. I recognize the entrance of Miller.

23          Q. Where do you see the entrance to Miller? And for the  
24 record you've made a mark on the right side of the screen here  
12:55:38PM 25 at 7 seconds into the clip; is that right?

1 A. Can you repeat that?

2 Q. You made a mark on the right side of the screen to  
3 indicate the beginning of Miller; is that correct?

4 A. Yes.

12:55:53PM 5 Q. That's Miller Street?

6 A. Yes.

7 Q. Do you recognize anything else in this portion of the clip  
8 stopped at 7 seconds in?

9 A. This car.

12:56:08PM 10 Q. What do you recognize the car that you made a mark on?

11 A. The car where Tapon, Cabra and Obed got off.

12 Q. Had you ever seen that car before December 8th, 2016?

13 A. Yes.

14 Q. Whose car was it?

12:56:36PM 15 A. Specifically honestly I don't know who it belongs to, but  
16 I know who bought it.

17 Q. Who bought it?

18 A. Javi.

19 Q. Is this the car that you saw parked in front of 54 Miller  
12:56:50PM 20 when you began shooting?

21 A. Yes.

22 Q. All right. If you can clear your marks and we'll play.  
23 We've paused it at 13 seconds in. Mr. Aponte Camacho, do you  
24 see the vehicle with the blue square around it?

12:57:15PM 25 A. Yes.

1 Q. Do you recognize that vehicle?

2 A. Yes.

3 Q. What do you recognize that vehicle to be?

4 A. Javi's truck.

12:57:26PM 5 Q. Is that the same vehicle you saw earlier in clips we  
6 showed this morning?

7 A. Yes.

8 Q. If we could play? Mr. Aponte Camacho, do you know what  
9 street is shown in this portion of the video which is paused  
12:57:55PM 10 at 25 seconds into the clip?

11 A. Yes.

12 Q. You recognize the street shown in this portion of the  
13 clip?

14 A. Yes.

12:58:06PM 15 Q. What street do you recognize that to be?

16 A. Miller, Miller Street.

17 Q. This portion of the clip you recognize to be Miller  
18 Street?

19 A. Yes.

12:58:20PM 20 Q. All right. Do you recognize any vehicles shown in this  
21 portion of the clip?

22 A. Yes.

23 Q. What vehicle do you recognize?

24 A. Javi's truck.

12:58:32PM 25 Q. You've circled the silver GMC pick-up in the center of the

1 photograph; is that right?

2 A. Yes.

3 Q. I'm sorry, in the center of the screen. All right, if you  
4 can clear your mark? And we can play. Did you see -- pause  
12:58:57PM 5 it here. At approximately 32 seconds did you see where the  
6 silver GMC just drove over a speed bump?

7 A. Yes.

8 Q. Do you recall any of those on Miller Street?

9 A. Yes.

12:59:10PM 10 Q. All right. If we can keep playing? And actually why don't  
11 we fast forward to approximately 59 seconds in to the clip.  
12 If we could pause here? Do you recognize what's shown in this  
13 portion of the video which is stopped at 1:01?

14 A. Javi's truck.

12:59:40PM 15 Q. And what street do you recognize Javi's truck to be on?

16 A. On Miller.

17 Q. All right. If we could keep playing it? Pause it here.  
18 Mr. Aponte Camacho, do you know where the house at 54 Miller  
19 is in relation to what we're seeing on this portion of the  
01:00:17PM 20 clip which is stopped at 1:14?

21 A. From here I can't see it.

22 Q. Do you know where it is in relation to what you can see on  
23 the screen?

24 A. For me it's more forward.

01:00:45PM 25 Q. More forward?

1 A. Yes, forward.

2 Q. Okay. Let's play. What do you see Javi's truck doing  
3 during this portion of the clip at approximately 1:19?

4 A. He stopped.

01:01:05PM 5 Q. What do you see Jen's truck doing now at approximately  
6 1:37?

7 A. Going in reverse.

8 Q. All right. At 1:47 -- or 1:48 Javi's truck is out of the  
9 screen; is that right?

01:01:34PM 10 A. Yes.

11 Q. Now, did you see Javi's truck that day on Miller Street?

12 A. No.

13 Q. Can you tell us -- if we can keep going here. Do you  
14 recognize the vehicle coming down the street?

01:02:11PM 15 A. Yes.

16 Q. What vehicle do you recognize coming down the street here  
17 which is where we have the clip paused at 2 minutes and 10  
18 seconds?

19 A. Menor's van, Menor's minivan.

01:02:29PM 20 Q. And this is a van that you saw pull out of the driveway at  
21 54 Miller?

22 A. Yes.

23 Q. And is this van going the opposite direction the traffic  
24 is supposed to travel or the same direction?

01:02:48PM 25 A. Against.

1 Q. All right. Keep going. We're at 3:09. Is that where you  
2 identified earlier you were arrested where the police pulled  
3 up?

4 A. Yes.

01:03:27PM 5 Q. Okay. Now, Mr. Aponte Camacho, Mr. Vacca earlier asked you  
6 questions about you being in jail since you were arrested that  
7 day?

8 A. Yes.

9 Q. And you've been in custody; is that right? Since you were  
01:03:45PM 10 arrested at 54 Miller on December 8th?

11 A. Yes.

12 Q. All right. At this time I would ask you to flip to the  
13 call in that binder at 1-172A.

14 MR. MARANGOLA: Judge, if I could approach the  
01:04:26PM 15 witness?

16 THE COURT: Yes.

17 MR. MARANGOLA: Thank you.

18 BY MR. MARANGOLA:

19 Q. Mr. Aponte, tell me when you get to tab 172A. 1-172A.  
01:05:01PM 20 It's right behind 1-172.

21 A. I have it.

22 Q. Are you there?

23 A. Yes.

24 Q. All right. Do you remember in listening to calls there was  
01:05:30PM 25 one call that you were asked to listen to after this disk that

1 you previously identified your initials on Government's 1A ?

2 Do you remember there was one call that you were asked to  
3 listen to on a different disk?

4 A. Yes.

01:05:49PM 5 Q. All right. Do you have Government's Exhibit 5 in front of  
6 you?

7 A. Yes.

8 Q. All right. And are your initials on Government's Exhibit  
9 5?

01:05:59PM 10 A. Yes.

11 Q. And did you put your initials on there after listening to  
12 the call that corresponds to the call for 1-172A in front of  
13 you?

14 A. Yes.

01:06:14PM 15 **MR. MARANGOLA:** Again, Your Honor, the call from  
16 that disk has been uploaded to the trial courtroom computer.

17 **BY MR. MARANGOLA:**

18 Q. Mr. Aponte Camacho, are your initials on the bottom of the  
19 transcript at 1-172A?

01:06:29PM 20 A. Yes.

21 Q. And did you listen to the call on Government's 5 that  
22 corresponds to the transcript at 1-172A?

23 A. Yes.

24 Q. Did you recognize the voices of the speakers in that call?

01:06:46PM 25 A. Yes.

1 Q. Who did you recognize the speakers in that call to be?

2 MR. VACCA: Objection, Your Honor.

3 THE COURT: Overruled. Go ahead.

4 THE WITNESS: Javi and Obed.

01:06:55PM 5 BY MR. MARANGOLA:

6 Q. And are the speakers accurately set forth in the  
7 transcript marked Government's 1-172A?

8 A. Yes.

9 Q. And on your copy, Government's 1, are there any marks near  
01:07:15PM 10 or through the target number in the top of that transcript?

11 Marks in pen?

12 A. Yes.

13 Q. That's the transcript that has 766? Does it have 66  
14 handwritten over 43 in that transcript?

01:07:37PM 15 A. Yes.

16 Q. Okay. So that the target number for that call is 766-8057?

17 A. Yes.

18 Q. All right. And this call was in Spanish; is that correct?

19 A. Yes.

01:07:58PM 20 Q. All right.

21 MR. MARANGOLA: At this time, Your Honor, I'd offer  
22 the call corresponding to Exhibit 1-172A-724.

23 MR. VACCA: I'd object to that, Your Honor. My  
24 standard objection regarding these.

01:08:12PM 25 THE COURT: Okay, overruled. Exhibit 1-172A-724



1 will be received.

2 (WHEREUPON, Government's Exhibit 1-172-724 was  
3 received into evidence).

4 BY MR. MARANGOLA:

01:08:27PM 5 Q. If we could play this off the compilation? If you could  
6 just pause it here? And for the record, Mr. Aponte, you see  
7 on your screen next to the target number it has the 743; is  
8 that right? On the screen?

9 A. Yes.

01:08:43PM 10 Q. But on the transcript it's got the 43 crossed off to 66?

11 A. Yes.

12 Q. Are there initials next to those?

13 A. Yes.

14 Q. All right. If we could play? We've paused it right here.

01:09:55PM 15 Mr. Aponte Camacho, during the time that you've been in jail  
16 have you maintained a Facebook account?

17 A. Yes.

18 Q. And did you have multiple Facebook accounts?

19 A. Yes, but from one of them I didn't have the password. I  
01:10:20PM 20 lost it. I forgot about it.

21 Q. All right. I'd like to show you what is not in evidence as  
22 Government's Exhibit 301. Mr. Aponte Camacho, do you  
23 recognize what's shown in Government's 301?

24 A. Yes.

01:10:53PM 25 Q. What is it?

1 A. My Facebook.

2 Q. And is Government's 301 a fair and accurate copy of one of  
3 your Facebook accounts?

4 A. Yes.

01:11:05PM 5 Q. And what's the actual Facebook account that you had for  
6 which Government's Exhibit 301 corresponds?

7 A. Axel Aponte.

8 Q. And you recognize Government's 301 as a page from your  
9 Facebook account marked -- your Facebook account marked Axel  
01:11:32PM 10 Aponte?

11 A. Yes.

12 Q. Whose photo is in the center of that page?

13 A. Mine.

14 Q. All right. Now, during the time you were in jail did you  
01:11:42PM 15 have anyone update your Facebook profile?

16 A. Yes.

17 Q. Can you explain to the jury as a Facebook user what  
18 happens when you update your profile picture on Facebook?

19 A. The Facebook will tell you that you updated the picture.

01:12:05PM 20 Q. All right. And does it also show the date and time that  
21 the picture was updated?

22 A. Yes.

23 Q. Okay. That's not something you input into Facebook,  
24 correct?

01:12:17PM 25 A. No.

1 Q. All right. Does this exhibit Government's 301 fairly and  
2 accurately show the Facebook profile from your account Axel  
3 Aponte?

4 A. Yes.

01:12:28PM 5 Q. Does it also show the updated profile picture of January  
6 27th, 2018 at 5:49 p.m.?

7 A. Yes.

8 **MR. MARANGOLA:** At this time I'd offer Government's  
9 Exhibit 301.

01:12:43PM 10 **MR. VACCA:** *Voir dire*, Your Honor?

11 **THE COURT:** Sure, go ahead.

12 **MR. VACCA:** Mr. Aponte Camacho, do you still have a  
13 Facebook page?

14 **THE WITNESS:** Yes, but it's not that page.

01:13:03PM 15 **MR. VACCA:** You have another page?

16 **THE WITNESS:** Yes.

17 **MR. VACCA:** How do you access your Facebook?

18 **THE WITNESS:** My sister goes in for me.

19 **MR. VACCA:** So you don't have a device in prison  
01:13:19PM 20 where you can look at Facebook, correct?

21 **THE WITNESS:** Can you repeat the question?

22 **MR. VACCA:** Are you able to access your Facebook  
23 page while you're in prison?

24 **THE WITNESS:** No, only if a person does it for you.

01:13:44PM 25 **MR. VACCA:** Only if a person does it for you?

1                   **THE WITNESS:** Like, for example, my sister goes in  
2 to my Facebook instead of me.

3                   **MR. VACCA:** Okay. So you use your sister basically  
4 to update your Facebook and respond from your Facebook?

01:14:06PM 5                   **THE WITNESS:** Yes.

6                   **MR. VACCA:** And did you keep that Facebook after you  
7 were arrested and sentenced?

8                   **MR. MARANGOLA:** Objection, Judge, he's not been  
9 sentenced.

01:14:16PM 10                   **THE COURT:** Sustained to the form of the question.

11                   **MR. VACCA:** I have no more questions of this  
12 witness, Your Honor.

13                   **THE COURT:** Okay. Any objection?

14                   **MR. VACCA:** No objection.

01:14:24PM 15                   **THE COURT:** This is 301; is that right?

16                   **MR. MARANGOLA:** Yes, Your Honor.

17                   **THE COURT:** Exhibit 301 will be received.

18                   (WHEREUPON, Government's Exhibit 301 was received  
19 into evidence).

01:14:33PM 20 **BY MR. MARANGOLA:**

21 Q. Mr. Aponte Camacho, can you circle the date and time that  
22 reflects the updated profile picture contained in Government's  
23 301?

24 A. You want me to point at the date or you asking me to  
01:14:59PM 25 sign --

1 Q. I'm asking you to circle the date and time on the screen  
2 that shows the date and time that your profile picture was  
3 updated. For the record you've circled around January 27,  
4 2018 at 5:49 p.m.; is that correct?

01:15:19PM 5 A. Yes.

6 Q. I'd like you to flip back to the transcript in front of  
7 you. Can you tell us the date and time of that call between  
8 Javi and Obed?

9 A. January 27, 2018, at 6:14 in the afternoon.

01:15:49PM 10 Q. All right. And if we could go back to the call? Would you  
11 clear your mark, please? Mr. Aponte Camacho, do you recall  
12 the portion of the transcript where Obed made a comment about  
13 something from the one who hurt me?

14 A. Yes.

01:16:14PM 15 Q. Did you hurt Obed Torres Garcia?

16 A. Yes.

17 Q. How?

18 A. When I shot on Miller, he got a shot.

19 Q. All right. Did you hear the reference to Pinky, Pinky  
01:16:34PM 20 Brain, how you used to call him that, Obed said to the  
21 defendant during this call?

22 A. Yes.

23 Q. And who was the name -- who referred to you and Obed as  
24 Pinky and Pinky Brain?

01:16:49PM 25 A. Javi.

1 Q. And, finally, you see in this portion on the screen where  
2 it says you know that he -- where the defendant is saying you  
3 know that he is hold up over there?

4 A. Yes.

01:17:03PM 5 Q. As of January 27, 2018, were you held in jail somewhere?

6 A. Yes.

7 Q. Okay. And this call was at 6:14:20 p.m.; is that correct?

8 A. Yes.

9 Q. All right. At this time I'd like to go to Government's  
01:17:30PM 10 494A. This is the extraction for 766-8057, and go to page 31.

11 And this is a portion of the timeline of that phone  
12 extraction. If Ms. McCreedy could enlarge -- that's good.

13 Mr. Aponte Camacho, do you see next to 98 call log?

14 A. Yes.

01:18:26PM 15 Q. And it reflects a call January 27, 2018?

16 A. Yes.

17 Q. From 673-6756 OBB?

18 A. Yes.

19 Q. I'd like you to look at the numbers for the outgoing calls  
01:18:50PM 20 from 100 through 103. Can you tell us what those numbers are?

21 A. The number of the mother of my son, Karina Lopez.

22 Q. What number is her phone number?

23 A. 465-4748.

24 Q. This reflects an outgoing call to that number at call log  
01:19:40PM 25 100 at approximately, adjusted for UTC time, 6:18:40 p.m.

1 Q. There's another one approximately one minute later at 102  
2 at 6:19 p.m.; is that correct?

3 A. Yes.

4 Q. And then to the right of Karina, the far right column, it  
01:20:11PM 5 says the duration of those calls is .03 seconds; is that  
6 correct?

7 A. Yes.

8 Q. And then the next one after that is call log number  
9 4 (sic); is that correct?

01:20:30PM 10 A. 104?

11 Q. Yes.

12 A. Yes.

13 Q. And that reflects an outgoing call to the contact Karina  
14 mama; is that correct?

01:20:41PM 15 A. Yes.

16 Q. At approximately again adjusted for UTC time 6:20 p.m.; is  
17 that right?

18 A. Yes.

19 Q. I'd like you to flip to the next call in the binder tab  
01:20:56PM 20 1-173-727. Are your initials on that transcript?

21 A. Yes.

22 Q. Did you listen to the call that corresponds to this  
23 transcript?

24 A. Yes.

01:21:17PM 25 Q. Did you recognize the voices of the participants in the

1 call?

2 A. Yes.

3 Q. Who are the participants in this call?

4 **MR. VACCA:** Objection, Your Honor.

01:21:27PM 5 **THE COURT:** Overruled.

6 **THE WITNESS:** Javi and Carmen, that she's Karina's  
7 mother.

8 **BY MR. MARANGOLA:**

9 Q. What's her last name again?

01:21:37PM 10 A. Delvalle.

11 Q. And are the voices -- I'm sorry, the parts of the  
12 transcript attributed to the defendant and your mother-in-law  
13 Carmen Delvalle accurately transcribed in the transcript that  
14 your initials are -- that your initials are on behind  
01:21:59PM 15 transcript 1-173?

16 A. Yes.

17 Q. And this is a call in Spanish; is that correct?

18 A. Yes.

19 **MR. MARANGOLA:** At this time I'd offer the call  
01:22:08PM 20 corresponding to 1-173-727.

21 **MR. VACCA:** Objection, Your Honor.

22 **THE COURT:** Overruled. Exhibit 1-173-727 will be  
23 received.

24 **(WHEREUPON,** Government's Exhibit 1-173-727 was  
01:22:26PM 25 received into evidence).



1                   **MR. VACCA:** I think it's 173, Your Honor.

2                   **THE COURT:** What did I say? That's what I said,  
3 1-173-727.

4                   **MR. VACCA:** Okay.

01:22:48PM 5 **BY MR. MARANGOLA:**

6 Q. If we could play that from the Spanish compilation disk.  
7 I'm sorry, before we do this, the time on the call is what  
8 time according to the transcript?

9 A. 6:19.

01:22:58PM 10 Q. And what?

11 A. 53 seconds.

12 Q. On January 27, 2018?

13 A. Yes.

14 Q. All right. If we could play this call? Do you see the  
01:23:42PM 15 portion on the screen that says but don't mention any name?

16 A. Yes.

17 Q. Right after a new picture of the child's father?

18 A. Yes.

19 Q. How many children does Karina have?

01:24:00PM 20 A. Now she has two.

21 Q. At the time of this call in January of 2018, how many did  
22 she have?

23 A. One.

24 Q. And who was the father of that one child?

01:24:12PM 25 A. Me.

1 Q. If we could keep playing? If we could go to the  
2 extraction for 766, Government's 494. We're on page 31 of the  
3 extraction from 766-8057 at Government's 494A. Mr. Aponte  
4 Camacho, do you see instant message at 109 and 111 on here on  
01:26:20PM 5 your screen?

6 A. 109?

7 Q. Yep. And 111?

8 A. Yes.

9 Q. They reflect incoming messages on January 27, 2018, at --  
01:26:38PM 10 adjusted for UTC time -- 6:26:41 p.m.; is that right?

11 A. Yes.

12 Q. And that is from the contact mama DE Karina; is that  
13 right?

14 A. Yes.

01:26:56PM 15 Q. That's from the number 585-532-0550; is that correct?

16 A. Yes.

17 Q. Is that the same or different number than is in your  
18 transcript behind tab 1-173-727 as the outgoing number called  
19 at 6:19 p.m.?

01:27:18PM 20 A. It's the same.

21 Q. All right. If we could go to page 32 of Government's  
22 494A, the extraction from that phone. Do you see the image on  
23 your screen there, Facebook page?

24 A. Yes.

01:27:58PM 25 Q. Was this one of the Facebook accounts that you had during

1 the time you were in jail?

2 A. Yes.

3 Q. And this Facebook account is Axel Camacho; is that right?

4 A. Yes.

01:28:15PM 5 Q. All right. And then if we could go to the next tab in your  
6 binder 1-174? Are you there?

7 A. Yes.

8 Q. Are your initials on that transcript?

9 A. Yes.

01:28:48PM 10 Q. Did you listen to a call corresponding to that transcript?

11 A. Yes.

12 Q. Did you recognize the voices in that call?

13 A. Yes.

14 Q. And who are the voices that you recognize in that call?

01:29:05PM 15 A. Javi and Karina Lopez.

16 Q. Are the parts of the transcript that are attributed to  
17 Javi and Karina Lopez accurately set forth in the transcript  
18 at Government's 1-174-728?

19 A. Yes.

01:29:26PM 20 Q. And is this a Spanish call?

21 A. Yes.

22 Q. And the time and date of this call is January 27th, 2018,  
23 at 6:25:57 p.m.; is that correct?

24 A. Yes.

01:29:43PM 25 **MR. MARANGOLA:** At this time I'd offer the call

1 corresponding to Exhibit 1-174-728.

2 **MR. VACCA:** Objection, Your Honor.

3 **THE COURT:** Overruled. 1-174-728 will be received.

4 (**WHEREUPON**, Government's Exhibit 1-174-728 was  
01:30:05PM 5 received into evidence).

6 **BY MR. MARANGOLA:**

7 Q. If we could play that off of Government's 22, the Spanish  
8 compilation DVD? I'm sorry. I keep saying Government's 22.  
9 Off of 1B, the Spanish compilation. Thank you.

01:30:56PM 10 Mr. Aponte Camacho, now this call we just heard and  
11 these last couple of calls on January 27th, 2018, how long had  
12 you been in jail?

13 A. I was two years.

14 Q. December of 2016 to --

01:31:24PM 15 A. Yes.

16 Q. -- January of 2018?

17 A. Yes.

18 Q. That's not quite two years, is it?

19 A. I don't understand.

01:31:34PM 20 Q. All right.

21 A. What do you mean that it's not almost two years?

22 Q. Well, how many months between December of 2016 and January  
23 of 2018?

24 A. I was there two years already, already two years I was  
01:31:49PM 25 there.

1 Q. All right. In the time that you had been in jail between  
2 December of 2016 and January of 2018, had you talked to Javi  
3 at all?

4 A. No.

01:32:02PM 5 Q. Were you in regular contact with him?

6 A. No.

7 Q. Had you talked to him at all since you stole the heroin  
8 and the gun that you previously identified as the items you  
9 took from the Culver Road apartment?

01:32:21PM 10 A. No.

11 Q. All right. If we can go back to Government's 494A? We'll  
12 go to page 31 of that extraction, the timeline again. All  
13 right, do you see that?

14 A. Yes.

01:33:25PM 15 Q. Just enlarged items 107 and 108 from the call log of  
16 Exhibit 494A corresponding to an incoming call to the 766-8057  
17 number from 465-4748 contact K na on January 27th, 2018, at --  
18 adjusted for UTC time -- approximately 6:26:01?

19 A. Yes.

01:34:01PM 20 Q. All right.

21 **MR. MARANGOLA:** Your Honor, at this time I don't  
22 have anything further for Mr. Aponte Camacho.

23 **THE COURT:** Okay. Ladies and gentlemen, it would be  
24 a good time to take our recess for the day. In the meantime,  
01:34:11PM 25 I'd ask you not discuss the matter or allow anybody to discuss

1 the matter with you.

2 I earlier indicated we had a change in our schedule  
3 on Tuesday, May 25th, we were going to break at noon because  
4 an appointment of the one of the jurors. That appointment has  
01:34:26PM 5 been changed, so we'll be in session regular day on that day  
6 May 25th from 8:30 a.m. until 1:30 p.m.

7 With that understanding the jury may step down  
8 until 8:30 tomorrow morning. Have a great night.

9 (WHEREUPON, proceedings adjourned at 1:35 p.m.)

10 \* \* \*

11 CERTIFICATE OF REPORTER

12

13 In accordance with 28, U.S.C., 753(b), I certify that  
14 these original notes are a true and correct record of  
15 proceedings in the United States District Court for the  
16 Western District of New York before the Honorable Frank P.  
17 Geraci, Jr. on May 17th, 2021.

18

19 S/ Christi A. Macri

20 Christi A. Macri, FAPR-RMR-CRR-CSR(CA/NY)  
21 Official Court Reporter

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